United Nations CRPD/C/CAN/1

Convention on the Rights of Persons with Disabilities

Distr.: General
7 July 2015

Original: English and French
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

Consideration of reports submitted by States parties under article 35 of the Convention

Initial reports of States parties due in 2012

Canada*

[Date received: 11 February 2014]

* The present document is being issued without formal editing.

GE.15-11342(E)

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Contents

	Paragraphs	*Page*
Introduction	1–9	3
Part I: General overview	10–44	5
Part II: Specific measures adopted by federal, provincial and territorial governments	45–388	11
Government of Canada	45–89	11
Newfoundland and Labrador	90–112	20
Prince Edward Island	113–134	23
Nova Scotia	135–154	26
New Brunswick	155–179	29
Québec	180–199	33
Ontario	200–222	36
Manitoba	223–253	39
Saskatchewan	254–278	43
Alberta	279–302	46
British Columbia	303–327	50
Nunavut	328–339	53
Northwest Territories	340–358	55
Yukon	359–388	58
Annex		
Offices responsible for disability issues		61

Introduction

1. Canada is pleased to present to the Committee on the Rights of Persons with Disabilities its initial report under the Convention on the Rights of Persons with Disabilities (the "Convention"). Canada ratified the Convention on March 11, 2010 and it entered into force for Canada on April 12, 2010.

2. Canada is committed to upholding and safeguarding the rights of persons with disabilities and enabling their full participation in society. The rights of persons with disabilities are provided for in Canada's Constitution, in federal, provincial and territorial (F-P/T) human rights legislation and in specific laws in a variety of social and economic areas. The *Canadian Bill of Rights* (the "Bill of Rights") was the first federal law to specifically set out fundamental human rights for all Canadians.

3. Governments at all levels are responsible for implementing the Convention. All jurisdictions in Canada have a broad range of policies, programs and initiatives aimed at providing support to persons with disabilities and their families and promoting their inclusion and full participation in Canadian society. Canada's federal structure allows governments to work together to find innovative and practical solutions to challenges and to adopt policies and programs tailored to local needs and circumstances.

Preparation and structure of the report

4. Read together with Canada's common core document[1], the report includes information about the implementation of the Convention in Canada, and explains key federal, provincial and territorial (F-P/T) laws, policies and programs related to the rights of persons with disabilities. Following the introduction, Part I provides information from all jurisdictions on Articles 1–7, 12 and 31–33 of the Convention. Part II focuses on specific measures taken by each F-P/T government, organized by thematic clusters.

5. The report was prepared collaboratively by F-P/T governments. Over 700 civil society and Aboriginal organizations, and the Canadian Human Rights Commission, were consulted on a comprehensive outline of the report. Fourteen written submissions were also received. The submissions were shared within F-P/T governments and carefully considered in the drafting of the report.

Persons with disabilities in Canada

6. In 2006, the disability rate in Canada was 14.3%, meaning that over 4.4 million Canadians, or about one in seven, had an activity limitation or participation restriction associated with a physical or mental condition or health problem: 8.6% reported mild to moderate disabilities, while 5.7% reported severe to very severe disabilities. The most common types of disabilities for adults are pain-related, mobility and agility disabilities.[2] Approximately 900,000 people 15 years of age or older reported disabilities of an

[1] Canada's common core document (January 2013), HRI/CORE/CAN/2013, www2.ohchr.org/english/bodies/coredocs.htm.

[2] Participation and Activity Limitation Survey 2006: Analytical Report, p. 29, online: www.statcan.gc.ca/pub/89-628-x/89-628-x2007002-eng.htm.

emotional, psychological, or psychiatric nature (2.3%), 500,000 reported memory problems or periods of confusion (2%), and 630,000 reported learning disabilities (2.5%).[3]

7. In 2006, the rate of disability was slightly higher for adult women (17.7%) than adult men (15.4%).[4] Approximately 43% of over 4 million adults aged 65 and over have disabilities. Among seniors with disabilities, eight seniors out of ten have two or more different disability types.[5] Children under the age of five have a disability rate of 1.7%, while for children aged 5 to 14 the rate is 4.6%.[6] Among this age group, 57.6% have mild to moderate disabilities and 42.4% have severe to very severe disabilities. Their most common types of disability reported are chronic conditions and learning and/or communication limitations. Boys are more likely than girls to experience most disability types.[7]

Looking forward

8. While great progress has been made to increase the inclusion and participation of persons with disabilities in society, Canada recognizes that there continues to be challenges, including barriers to language and communication, learning and training, and safety and security. Improving the well-being of persons with disabilities, increasing their opportunities to participate in economic and social life, and fulfilling their potential requires an ongoing, multi-faceted and multi-partner approach.

9. The Government of Canada's Office for Disability Issues (ODI) provides leadership on disability issues at the federal level. ODI is supported by intradepartmental and interdepartmental committees and collaborates with F-P/T partners and with the non-profit, voluntary, academic and private sectors. Over the coming years, ODI's work to strengthen outcomes for persons with disabilities and their families will focus on:

- Developing and administering programs designed to remove barriers and promote inclusion;
- Developing principled and evidence-based policy options that respond to existing and emerging issues;
- Working to improve awareness and horizontal management of disability issues across the Government of Canada and by its public servants;
- Identifying opportunities for collaboration and working with P/T partners; and
- Engaging stakeholders and developing strategic partnerships on disability issues across the federal government and with external partners.

[3] Participation and Activity Limitation Survey 2006: Analytical Report, p. 32, online: www.statcan.gc.ca/pub/89-628-x/89-628-x2007002-eng.htm.

[4] 2009 Federal Disability Report: Advancing the Inclusion of People with Disabilities, p. 7, online: publications.gc.ca/collections/collection_2009/rhdcc-hrsdc/HS61-1-2009E.pdf.

[5] 2011 Federal Disability Report, p. 9, online: www12.hrsdc.gc.ca/p.5bd.2t.1.3ls/@-eng.jsp?pid=4723

[6] Disability in Canada: A 2006 Profile (2011), p. 6, online: publications.gc.ca/collections/collection_2011/rhdcc-hrsdc/HS64-11-2010-eng.pdf.

[7] Disability in Canada: A 2006 Profile, pp. 10–11.

Part I. General overview

Articles 1–4 – General provisions

Implementation of the Convention

10. Canada has a federal system in which the Constitution confers legislative and executive powers on two levels of government, which are each sovereign in their respective spheres. There is a federal government for all of Canada, and a government for each province and territory.[8] Matters concerning persons with disabilities fall under both levels of government, who work together and in collaboration with the non-profit and private sectors, and assume complementary roles in promoting and supporting the full participation of persons with disabilities in all dimensions of Canadian society.

11. Accordingly, the Convention is implemented through constitutional and statutory protections, and legislative, administrative and other measures including:

- The *Canadian Bill of Rights* (the "Bill of Rights"), which applies to federal laws and protects fundamental freedoms, legal rights and equality before the law;
- The Schedule B to the *Canada Act 1982* (the "Charter"), which applies to all government action and guarantees all individuals fundamental freedoms and rights, including an explicit equality rights guarantee for persons with disabilities;
- F-P/T human rights laws, which apply to the public and private sectors and prohibit discrimination on grounds such as disability, in regard to employment, the provision of goods, services and facilities customarily available to the public and accommodation;
- Specific F-P/T laws governing areas that impact persons with disabilities, for example, social benefits programs, disability insurance plans, housing programs; and
- A broad range of F-P/T policies, programs and services aimed at improving accessibility, providing financial and other supports to persons with disabilities and reducing barriers to their full participation in Canadian society.

12. Persons with disabilities can bring a claim before F-P/T independent administrative tribunals, human rights commissions and tribunals or courts to enforce their rights. This has resulted in developments in Canadian law, for example, through decisions upholding the equal rights of persons with disabilities to health care services, education, transportation[9] and accessible federal government websites for persons with visual impairments.[10]

Canada's reservations and interpretative declarations

13. Upon ratification of the Convention, Canada entered a limited number of interpretative declarations and reservations with respect to Articles 12 and 33 of the Convention.

14. In Canada, both supported decision-making and substitute decision-making regimes exist under P/T legislation. The interpretative declaration to Article 12 clarifies Canada's

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[8] For more information on Canada's federal structure, see Canada's common core document.

[9] Canadian Transportation Agency, Decision No. 6-AT-A-2008 (2008), online: www.otc-cta.gc.ca/eng/highlights-one-person-one-fare-policy-decision.

[10] *Canada (Attorney General) v. Jodhan* 2012 FCA 161, online: decisions.fca-caf.gc.ca/en/2012/2012fca161/2012fca161.html.

understanding that the article reflects a presumption of legal capacity and permits both supported and substitute decision-making arrangements in appropriate circumstances and in accordance with the law. The reservation to Article 12 preserves Canada's ability to continue to use substitute decision-making arrangements in appropriate circumstances and subject to appropriate and effective safeguards. In Canada, many measures relating to the exercise of legal capacity are subject to regular review by an independent and impartial authority or judicial body, while others are subject to a review or appeal mechanism. Canada's reservation to Article 12(4) preserves its right to maintain the supported and substitute decision-making arrangements that are not subject to regular review by an independent authority, where such measures are subject to review or appeal.

15. Canada's interpretative declaration in relation to Article 33(2) clarifies that Canada implements this article at both the federal and P/T levels through a variety of mechanisms such as courts, human rights commissions and tribunals, public guardians, ombudspersons, and intergovernmental bodies.

Research, policy and legislative development

16. Canada implements the Convention by supporting research and development projects, such as the Neil Squire Society's project to increase knowledge of the accessibility issues relating to emergency services delivered through wireless mobile devices.

17. The 2013 Federal Budget also announced additional funding of $7 million per year to the Social Sciences and Humanities Research Council of Canada, some of which will support research related to the labour market participation of persons with disabilities.

18. In 2012, the Government of Canada launched the *Federal Disability Reference Guide*, a tool that can help ensure that legislation, policies, programs and services are inclusive of people with disabilities, respect the rights and needs of people with disabilities, and promote positive attitudes and raise awareness about the needs of people with disabilities.[11]

Engaging and working with the disability community

19. Canada's disability community has long played a leadership role in promoting equality, inclusion and participation of persons with disabilities both in Canada and abroad. In both the negotiation and ratification of the Convention, Canada sought the views of persons with disabilities, including as members of the Canadian delegation, and has since sponsored organizations to participate in all Conferences of States Parties.

20. All F-P/T governments continue to engage and work with the disability community to gain a greater understanding of various perspectives and to develop well-informed and effective policies and programs for persons with disabilities. Examples include:

- Discussions at an annual policy forum on issues relating to persons with intellectual disabilities in the areas of housing, employment and youth transitions;
- Consultations on the Registered Disability Savings Plan to ensure its responsiveness to the financial saving needs of Canadians with severe disabilities and their families;
- Surveys and focus groups for evaluations of the Canada Pension Plan Disability benefit to identify areas for further improvement;

[11] publications.gc.ca/collections/collection_2012/rhdcc-hrsdc/HS64-17-2012-eng.pdf.

- Ongoing engagement with the Persons with Disabilities Technical Advisory Group on the development and implementation of the new Data and Information Strategy on persons with disabilities;
- The establishment of advisory committees, which provide expertise and advice to government bodies (e.g., Transport Canada's Advisory Committee on Accessible Transportation identifies issues in the national transportation system that impact accessibility. These issues and others are addressed by the Canadian Transportation Agency (CTA) with the assistance of its Accessibility Advisory Committee, which advises the CTA on the development of regulations, codes of practice and resource tools that support the CTA's mandate to make the national transportation system accessible).

21. The disability component of the Social Development Partnerships Program (SDPP-D) has provided, for many years, $11 million in annual funding to support initiatives tackling social inclusion barriers faced by persons with disabilities. Historically, much of this funding was directed to 30 organizations, but as of 2015, SDPP-D will provide most of its funding through competitive processes for projects responding to current and emerging issues. The new approach includes transition funding measures for the former recipients of directed funding, developed in consultation with them, and learning sessions on social enterprise development and fundraising. In 2013, up to $9 million was awarded to projects of up to three years in duration focusing on areas under the Convention, such as promoting active living and greater social inclusion of persons with disabilities in their communities, and promoting the accessibility of physical environments, information, communication and services.

22. At the provincial level, for example, the Government of Québec has held consultations with civil society to review the *Loi assurant l'exercice des droits des personnes handicapées en vue de leur intégration scolaire professionnelle et sociale*, and to develop the *À part entière* policy. These consultations were carried out by a committee, which is comprised of ministerial representatives, disability organizations and one subject matter expert, and which acts as a permanent advisory council on the policy. In Ontario, the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) sets out the framework for the development of province-wide mandatory accessibility standards. Under the AODA, Standards Development Committees comprised of equal representation from the disability community and organizations developed proposals on accessibility standards for the government's consideration. In addition, government officials met with the disability, municipal, transportation and business communities to seek their advice on proposed accessibility standards.

Articles 5–7 and 12 – Equality, non-discrimination and equal recognition before the law

Equality and non-discrimination

23. Canada has robust equality and non-discrimination protections for persons with disabilities that are entrenched constitutionally in Section 15 of the Charter and provided for in a regime of F-P/T human rights legislation. These protections are consistent with Article 5 of the Convention and recognize a duty of reasonable accommodation of the needs, capacities and circumstances of persons with disabilities in order to ensure their equality rights.

24. Section 15(1) of the Charter guarantees every individual the right to equality before and under the law and the right to equal benefit of the law without discrimination on a non-exhaustive list of prohibited grounds, which includes physical or mental disability.

Section 15(2) of the Charter provides that government actions aimed at improving the conditions of historically disadvantaged groups, including persons with disabilities, will not be found to discriminate contrary to Section 15(1). The equality guarantee under Section 15 covers all laws and policies, including those relating to education, health care, social programs and benefits, housing and other economic, social and cultural rights covered by the Convention.

25. The *Canadian Human Rights Act* (CHRA) prohibits discrimination on grounds such as disability in employment, the provision of goods, services and facilities customarily available to the public, and accommodation. It applies to the Government of Canada, First Nations governments, and federally regulated private businesses, including in banking, airline, telecommunications and broadcasting and inter-provincial transportation sectors. All P/Ts have similar human rights legislation that prohibits discrimination within their own jurisdictions in areas such as employment and access to goods, services and facilities generally available to the public, including housing.[12]

26. While Section 15 of the Charter does not define "disability", the term has been broadly interpreted by the Supreme Court of Canada to include a wide and evolving range of permanent, temporary or intermittent impairments, both physical and mental, which may or may not result in functional limitations as the person interacts with others and potentially with socially constructed barriers.[13] Other laws define disability in terms appropriate to the law's specific purpose. For example, the CHRA defines disability broadly for the purposes of protecting individuals from discrimination as "any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug".

27. The duty of reasonable accommodation requires, for example, that employers and service providers accommodate the needs of their employees and customers with disabilities, except where it would cause undue hardship, considering factors such as health, safety and cost. While "reasonable accommodation" is required in relation to a particular individual's situation, the Supreme Court of Canada has recognized that it also has a more systemic meaning.[14] Where it is established that the reasonable accommodation would cause undue hardship, the impugned practice will be deemed not to be discriminatory.

28. Equality protections are also provided for in F-P/T legislation. For example, the *Criminal Code* contains specific provisions for offences against persons with disabilities and sentencing provisions that make it an aggravating factor if the offence was motivated by bias, prejudice or hate based on mental or physical disability.

Women with disabilities

29. The Charter and F-P/T human rights legislation prohibit discrimination on the basis of sex. Canadian jurisprudence recognizes that grounds of discrimination may intersect and that women and men may experience discrimination on the basis of disability differently. This is taken into account in some analysis which is carried out during policy development to examine the intersection of sex with other identity factors, including disability.

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[12] See, further, *Canada's Common Core Document*, pp. 31–33.

[13] *Granovsky v. Canada (Minister of Employment and Immigration)*, 2000 1 S.C.R. 703, online: scc.lexum.org/en/2000/2000scc28/2000scc28.html.

[14] *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, 1999 3 S.C.R. 868, at para. 19, online: scc.lexum.org/decisia-scc-csc/scc-csc/scc-csc/en/item/1761/index.do.

30. Status of Women Canada (SWC) promotes equality for all women, including women with disabilities, and their full participation in economic, social and democratic life. SWC funds projects that support women with disabilities, and which, for example, increase understanding of the issues relating to violence against women with disabilities and improve their economic security through skill development in areas such as employability, leadership and integration.

Children with disabilities

31. While the rights of children with disabilities are protected on an equal basis with other children, Canada recognizes the challenges facing children with disabilities, and their families, and has a number of programs in place to address these barriers.

32. Canada provides tax relief and financial support for children with disabilities, their families and caregivers. The Child Care Expense Deduction and the Children's Fitness and Arts Amount, which are available to all children, have a higher amount for children with disabilities. The Child Disability Benefit, which in fiscal year 2012–2013 provided over $267 million in benefits, offers additional income support to families with a child with a severe and prolonged disability. The Government of Canada also invests in community-based programs such as the Community Action Program for Children, which supports children with disabilities and their families who are facing challenges such as low-income status, social isolation, situations of violence, neglect or substance addiction.

Equal recognition before the law

33. Canada strongly supports the equal recognition of persons with disabilities as persons before the law. As with other members of society, a determination of incapacity should only be based on evidence of the individual's actual decision-making ability, rather than on the existence of a disability.[15] Anyone who requires support in exercising their legal capacity should have access to the support required to do so, subject to appropriate regulation and safeguards.

34. Canada's interpretative declaration and reservations in relation to Article 12 set out Canada's understanding of its obligations under the article. All P/Ts have in place laws related to substitute and/or supported decision-making with safeguards to protect against abuse. Examples are outlined below:

- In Alberta, under the *Personal Directives Act*, individuals may choose a representative to make personal, non-financial decisions on their behalf. The *Adult Guardianship and Trusteeship Act* provides options and safeguards to protect vulnerable adults who require support in making decisions;
- In Manitoba, the *Vulnerable Persons Living with a Mental Disability Act* supports and regulates both supported and substitute decision-making for adults with a mental disability;
- In Nunavut, the *Guardianship and Trusteeship Act* recognizes the legal capacity of adults to make decisions about their personal care, health care, and financial matters. While court-appointed guardianships may be ordered under the *Guardianship and Trusteeship Act*, the Department of Health and Social Services offers services to help protect individuals with a mental or physical disability who require support in making decisions.

[15] See generally: *Starson v. Swayze*, 2003 1 S.C.R. 722, online: scc.lexum.org/en/2003/2003scc32/2003scc32.html.

- In the Yukon, the *Adult Protection and Decision-Making Act* provides supported decision-making agreements, representation agreements, court-appointed guardianship and protection for adults who may be abused or neglected and unable to seek their own help. The Capability and Consent Board reviews matters under the *Mental Health Act* and the *Care Consent Act*, such as decisions as to whether a person is capable of consenting to health care, to admission to a care facility or to receiving personal assistance services.

35. Representation agreements are both a supported and substitute decision-making option by which an adult may appoint another person to make decisions on their behalf in respect of personal and health care matters, and the routine management of an adult's financial affairs. For example, the Government of British Columbia amended the *Representation Agreement Act* to increase accessibility to representation agreements while maintaining related safeguards, such as requiring a monitor to be appointed in certain circumstances.

Articles 31–33 – Other obligations

Statistics and data collection

36. F-P/T governments regularly produce statistical reports on disability to assist in developing initiatives and determining eligibility for assistance in social programming.

37. Between 1991 and 2006, disability-specific data was collected through the Participation and Activity Limitation Survey and its predecessor, the Health and Activity Limitation Survey. The Government of Canada, in collaboration with key stakeholders from the academic and the disability communities, is implementing a new Data and Information Strategy (DIS) on persons with disabilities in Canada. The DIS will provide more frequent, accessible and timely data and information, and will maximize the usability of existing information. This includes the new Canadian Survey on Disability Data, for which a data release is expected in 2013–2014.

International cooperation

38. Canada is committed to supporting the rights of persons with disabilities through both its multilateral activities and international development assistance activities. In the multilateral fora, Canada is an active co-sponsor and supporter of resolutions relating to disability rights, including at the General Assembly of the United Nations, the Human Rights Council and the World Health Organization.

39. Canada's development assistance, in conformity with the spirit of the *Official Development Assistance Accountability Act*, includes programming that promotes human rights and equal opportunities for persons with disabilities by raising awareness of disability issues addressing stigma and discrimination, and reducing barriers to the integration of persons with disabilities into their societies. Between 2001 and 2011, the Government of Canada invested approximately $350 million in international projects for which disability was a principal or significant focus, such as issues associated with landmines, natural disasters, discrimination and poor health and nutrition.

Domestic implementation and monitoring

Mechanisms

40. The Continuing Committee of Officials on Human Rights (CCOHR), an intergovernmental body for consultation and information sharing on certain international treaties, serves as the focal point for F-P/T discussions relating to the Convention.[16]

41. There are many other F-P/T mechanisms with a mandate relating to matters that impact Canada's implementation of the Convention, including the F-P/T Persons with Disabilities Advisory Committee, which provides principled and evidence-based policy advice to F-P/T Deputy Ministers on disability issues and collaborates on research, analysis and development of options for addressing issues impacting the disability community in Canada. Other F-P/T committees in areas such as employment, poverty and at-risk children and youth include disability considerations in their work.

42. ODI is the focal point for matters relating to the Convention at the federal level. In collaboration with federal departments and key partners, it provides advice and expertise to foster coherent disability-related policies and programs across the Government of Canada. In 2010, ODI established the Interdepartmental and Intradepartmental Committees on Disability Issues to support its work and provide fora for sharing information and best practices on disability-related laws, policies, programs and initiatives to promote coordination and collaboration across the federal government on disability issues, including the ongoing implementation of the Convention.

43. Each P/T government has an office responsible for policy advice and expertise on disability issues within their jurisdiction (see annex).

Promotion, protection and monitoring framework

44. Canada's framework pursuant to Article 33(2) is comprised of several elements, including government reporting and promotional activities, and the work of F-P/T human rights commissions and tribunals, the courts, public guardians and ombudspersons and civil society organizations across Canada. Combined, these mechanisms play a role in promoting, protecting and monitoring the rights set out in the Convention. After giving careful consideration to the offer by the Canadian Human Rights Commission to be designated to carry out monitoring functions in respect of the Convention, Canada determined that it could maintain and rely on existing mechanisms to fulfill its obligations under Article 33(2).

Part II. Specific measures adopted by federal, provincial and territorial governments

Government of Canada

Articles 9 and 20 – Accessibility and mobility

45. Accessibility is addressed through a range of measures, including F-P/T human rights legislation and requirements under specific legislation, regulations, policies, codes

[16] See Canada's common core document, pp. 36–37 for a description of the role and functions of the CCOHR.

and guidelines. In addition, the Enabling Accessibility Fund provides funding for community-based projects to improve the accessibility of buildings in which programs and services are offered to the public, to modify vehicles for community use and to provide accessible information and communication technologies that are available to the public.

Accessible public buildings

46. Consistent with the *Canadian Human Rights Act*, the Government of Canada's *Accessibility Standard for Real Property* (ASRP) provides the minimum requirements for barrier-free access to and use of federal real property in Canada and abroad. The Standard applies to the acquisition, design, construction and renovation of buildings, which, in conjunction with other technical standards, aims to ensure accessibility to persons with a range of physical, cognitive and sensory disabilities. In addition to the ASRP, the Government of Canada follows the Canadian Standards Association's code for accessible design for the building standard when building and/or retrofitting chanceries and official residences abroad.

47. The Government of Canada provides tax relief to persons with disabilities for costs related to personal mobility[17] and to buying or building a home that is more accessible or better suited to their needs.[18] The Canada Mortgage and Housing Corporation (CMHC) also undertakes research on housing accessibility for persons with disabilities. This research is delivered in the form of publications, presentations and webinars which provide persons with disabilities — including seniors —, and their caregivers with information and tools on home design and modifications to enable independent living. In addition, the CMHC funds programs targeted to or that benefit persons with disabilities. For example:

- $1.7 billion annual funding in support of about 594,000 households living in social housing, including housing with special design features for persons with disabilities;
- A one-time investment of more than $2 billion under the 2009 federal budget to build new and repair existing social housing, including 883 new affordable housing units for persons with disabilities; and
- Initiatives and funding under the 2011–2014 Investment in Affordable Housing Framework are aimed at increasing the supply of affordable housing, fostering safe independent living, and supporting renovations to affordable housing for households in need, including for persons with disabilities. This funding will be extended for an additional five years through to 2019.

Access to transportation

48. The Government of Canada has a number of strategies, policies, regulations, voluntary codes of practice and guidelines to improve the accessibility of federally regulated (air, rail, marine and interprovincial bus) transportation services.

49. Transport Canada establishes and monitors the legislative policy framework for accessible transportation, conducts policy research, manages a targeted research and development program, and supports the transportation industry and travelers with disabilities through education and outreach. The Canadian Transportation Agency (CTA), an independent, quasi-judicial federal tribunal and economic regulator, is mandated to

[17] For additional information, see 2011 Federal Disability Report, Annex D, online: www12.hrsdc.gc.ca/p.5od.2t.1.3ls@-eng.jsp?pid=4723.

[18] For additional information on the Home Buyer's Plan and the First-Time Home Buyers' Tax Credit, see www.cra-arc.gc.ca/tx/ndvdls/tpcs/rrsp-reer/hbp-rap/menu-eng.html?=slnk, and www.cra-arc.gc.ca/tx/ndvdls/tpcs/ncm-tx/rtrn/cmpltng/ddctns/lns360-390/369/menu-eng.html.

remove undue obstacles from federally regulated transportation systems. This includes resolving individual complaints and addressing systemic accessibility issues by administering regulations and codes of practice.

50. Compliance with the CTA's codes of practice has been positive, with one noted exception when, in 2000, VIA Rail, the national passenger rail service, purchased inaccessible rail cars. The CTA ordered Via Rail to take corrective measures to eliminate the undue obstacles to the mobility of persons with disabilities and the order was ultimately upheld by the Supreme Court of Canada.[19] VIA Rail has since been working with persons with disabilities and the CTA to ensure that its rail cars are made accessible.

Accessible telecommunications and broadcasting services

51. The Canadian Radio-television and Telecommunications Commission (CRTC) requires telecommunications service providers to provide a relay service, including Internet Protocol Relay Service; requires wireless service providers to offer at least one accessible mobile handset; directs telephone and wireless companies to support text messaging for emergency telecommunications services; requires broadcasters to caption 100 percent of their programming and imposes quality standards for closed captioning; and imposes described video and audio description obligations.

Personal mobility

52. The Government of Canada provides benefits, services and supports to improve the mobility of persons with disabilities. For example, the Assisted Living Program funds projects to improve the coordination of programs and services relating to accessibility and mobility on reserve, including initiatives to provide guide dogs. In addition, the Income Assistance Program provides funding for financial assistance to eligible individuals, including support to persons with disabilities who require guide dogs and transportation. The Health Care Benefits Program, administered by Veterans Affairs Canada, provides funds to eligible veterans so they can access aids to daily living, prosthetics, mobility aids, home adaptations and vehicle modifications.

Article 13 – Access to justice

53. Equal access to justice for all Canadians, including for persons with disabilities, is a priority for Canada. Constitutional and statutory guarantees of equality for persons with disabilities, including the right to accommodation to the point of undue hardship, apply to proceedings before federal courts and tribunals, as well as to any administrative services offered in support of such proceedings, such as those offered by court registrars. Section 14 of the Charter guarantees a party or witness in any proceedings who is deaf the right to the assistance of an interpreter.

54. Within the criminal justice system, the *Criminal Code* provides for testimonial aids and other measures which make it easier for victims and witnesses with disabilities to provide testimony during criminal proceedings. These measures include: providing testimony outside of the courtroom by closed-circuit television, behind a screen or by recorded video; allowing a support person to be present during testimony; and appointing a lawyer to conduct a cross-examination of a witness with a disability when the accused is self-represented.

[19] *Council of Canadians with Disabilities v. VIA Rail Canada Inc.*, [2007] 1 SCR 650, online: scc.lexum.org/en/2007/2007scc15/2007scc15.html.

Articles 10, 11 and 14–17 – Protection of the person

55. The Bill of Rights protects the rights to life, liberty, security of the person, and the right not to be deprived thereof except by due process of law. The Charter also protects these and the right not to be deprived thereof except in accordance with the principles of fundamental justice. It also protects against arbitrary detention or imprisonment and provides that everyone has the right not to be subjected to cruel and unusual treatment or punishment. These rights apply equally to persons with disabilities. On February 4, 2013, the Government of Canada announced that it will introduce a Victims Bill of Rights to entrench the rights of all victims of crime into one federal law. The first ever federal Victims Bill of Rights will give victims an effective voice in the criminal justice system.

56. The criminal justice system provides for specific measures in respect of accused persons with mental illness, including in relation to fitness to stand trial and a special verdict of "not criminally responsible on account of mental disorder".

57. In accordance with the *Corrections and Conditional Release Act*, an accused with a disability serving a sentence in a federal correctional institution is assessed upon admission and on an ongoing basis for health care needs and appropriate health services are provided, including necessary assistive devices. Correctional Service Canada's Mental Health Strategy aims to enhance the capacity to address and respond to the mental health needs of offenders in institutions and in the community. Its key components include primary mental health care in institutions and transitional care for release to the community, which are supported by training, and tools and performance measurement activities for correctional and mental health staff.

58. The *Criminal Code* contains a specific offence for the sexual exploitation of a person with a disability and provides broad protections for all individuals against assault, sexual assault, murder and threats of such actions. The Federal Victims Strategy funds organizations working with and for persons with disabilities to ensure that victims of crime and their families are able to participate fully in the criminal justice system and are aware of the legal services and assistance available to them.

Situations of risk and domestic humanitarian emergencies

59. The Government of Canada strongly endorses efforts to ensure that humanitarian needs are more effectively met, including the needs of persons with disabilities. Domestically, the Government has developed a comprehensive emergency management framework[20] that is inclusive of the needs of all Canadians, including persons with disabilities. Abroad, the Government works through its international partners to support the delivery of essential services to vulnerable populations affected by conflict or natural disasters. These humanitarian organizations are encouraged to follow the principles set out in the Sphere Project's *Humanitarian Charter and Minimum Standards in Humanitarian Response* handbook, which addresses assistance for persons with disabilities to ensure that they may fully and meaningfully participate in, or benefit from, mainstream humanitarian assistance programs.

[20] *An Emergency Management Framework for Canada*, 2nd ed. (2011), online: www.publicsafety.gc.ca/prg/em/_fl/emfrmwrk-2011-eng.pdf.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Liberty of movement and nationality

60. Sections 6 and 15 of the Charter guarantee the rights of persons with disabilities to liberty of movement and freedom to choose their residence on an equal basis with others.

61. Canada has taken steps to ensure that persons with disabilities can access immigration, refugee determination and citizenship services and proceedings in the same manner as other persons and provides accommodation, if necessary. For example, clients with disabilities may obtain information on immigration provisions in Braille, large print and audio format forms/guides, as well as on Citizenship and Immigration Canada's (CIC) accessible website. A third party may also assist applicants in the preparation of their application forms or represent them.

62. Furthermore, within the refugee resettlement and determination processes, both CIC and the Immigration and Refugee Board (IRB) provide services and procedures for resettlement applicants and asylum seekers with disabilities to facilitate their full access to Canada's refugee selection and determination systems. CIC has published guidelines for the examination of vulnerable refugee claimants, including those with disabilities. The IRB likewise has procedures for refugee determination hearings involving those with disabilities, such as requiring a designated representative and/or interpreter.

63. Persons with disabilities can apply for a Canadian passport on an equal basis with others. A wide range of measures are in place to accommodate persons with disabilities, such as a website with adaptive technologies, passport application forms in large print and passport application instruction booklets in Braille. For applicants who wish to apply in person, Passport Canada ensures barrier-free access to all passport service locations.

Freedom of expression and opinion, and access to information

64. The Bill of Rights protects the right to freedom of speech. Section 2(b) of the Charter guarantees everyone the right to freedom of thought, opinion, belief and expression. The Government of Canada supports accessible information through a range of means. For example:

- The Communications Policy of the Government of Canada requires federal departments and agencies to ensure that their communications are responsive to the diverse information needs of the public. The Policy also requires that published information is available in multiple formats to accommodate persons with disabilities. In addition, the *Standard on Web Accessibility* requires that online information and services provided through websites and web applications respect the internationally recognized *Web Content Accessibility Guidelines* known as WCAG 2.0;
- The Government of Canada must facilitate public access to all information materials produced, regardless of publishing medium. This includes ensuring information is available in alternate formats, such as Braille, large print and audio, upon request;
- The Canadian National Institute for the Blind has received funding for the development of a National Digital Hub that will acquire, produce and make available alternate format materials in order to improve library services for the print-disabled community;
- The 1 800 O-Canada service, the primary telephone access point to the Government of Canada programs and services, has a new teletypewriter system and number to allow specifically trained information officers to respond to enquiries in real time.

Respect for privacy

65. Section 8 of the Charter protects everyone's right to be free from unreasonable invasions of privacy. In addition, under the federal *Privacy Act* and *Personal Information Protection and Electronic Documents Act* persons with disabilities are afforded the same protection of their personal information as persons without disabilities. The *Privacy Act* further provides that persons with sensory disabilities have the right to obtain information about themselves in an alternative format acceptable to them, such as large print, audiocassette or Braille.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

66. Sections 6, 7 and 15 of the Charter protect persons with disabilities' mobility rights and individual liberty to choose a place of residence on an equal basis with others.

67. The Government of Canada offers tax exemptions, income supports, social benefits and services to persons with disabilities to facilitate their inclusion, participation and independence in various aspects of life. For instance, the First Nations and Inuit Home and Community Care Program provides basic home and community care services, such as nursing, personal care supports and respite to caregivers. The Assisted Living Program is a residency-based program that provides funding to assist in non-medical, social support services to seniors, adults with chronic illness, and children and adults with disabilities (mental and physical) living on First Nation reserves so that they can maintain functional independence and achieve greater self-reliance. Veterans Affairs Canada provides funding to eligible veterans so that they can access home care and support services such as housekeeping, grounds maintenance and personal care to assist them in remaining independent within their homes and communities. In addition, in 2013, tax exemptions were expanded to include personal care services for eligible persons who, due to age or disability, require such assistance at home.

68. The Government of Canada also funds community organizations who work to improve independent community living. For example, the Community Inclusion Initiative develops and implements housing, education, income and employment strategies to enable communities to become more inclusive of persons with intellectual disabilities.

Habilitation and rehabilitation

69. The Government of Canada funds a number of habilitation and rehabilitation programs to support persons with disabilities in attaining and maintaining vocational ability. For example:

- The Canada Pension Plan Disability Program, in addition to long-term disability insurance, provides vocational rehabilitation supports and services, such as counseling, financial support for training and job search assistance.
- The Aboriginal Skills and Employment Training Strategy provides funding to Aboriginal organizations for skills development and training programs to assist Aboriginal persons, including those with disabilities, to upgrade their skills and find employment.
- Veterans Affairs Canada's Rehabilitation Services and Vocational Assistance Program provides funding to Canadian Forces Veterans with disabilities to support their civilian re-establishment and workplace re-integration through the provision of financial support for medical and psychosocial rehabilitation, training and skills development.

Participation in political and public life

70. The Charter guarantees every citizen of Canada who is 18 years or older the right to vote in elections and the right to run for public office, on an equal basis with others.

71. Informed by consultations with disability organizations, Elections Canada is implementing measures to reduce or eliminate barriers when voting, including: improving accessibility of polling sites and signage; providing training to electoral staff; introducing a monitoring and feedback process for the accessibility of polling sites; and offering a variety of voting methods, communication channels and information in alternate formats. Elections Canada continues to investigate technology and equipment that allow electors with disabilities to cast their ballots independently and to build relationships with disability organizations to further remove barriers.

Participation in cultural life, recreation, leisure and sport

72. The Government of Canada strives to enhance opportunities for Canadians with disabilities to participate in and enjoy cultural life, recreation, leisure and sport.

73. For instance, Sport Canada's Policy on Sport for Persons with a Disability guides its work with partners and stakeholders in reducing or eliminating sport-specific barriers. Through this Policy, Sport Canada envisions the full and active participation of persons with disabilities in Canadian sport at all levels and in all forms. In 2010–2011, $25 million was invested in sports for persons with disabilities, including over $5.3 million to support the operations of the Canadian Paralympic Committee, Team Canada, and the development of a national Paralympic sport system strategy, in addition to funding to Special Olympics Canada and to the Canadian Deaf Sports Association.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Awareness-raising

74. Awareness-raising is an integral part of Canada's implementation of the Convention. The Government of Canada funds public education programs in the area of human rights and makes available its treaty reports to the public, libraries, educational institutions and NGOs. ODI is mandated to improve awareness of disability issues and of Canada's obligations under the Convention, to increase awareness regarding full participation of persons with disabilities in Canadian society, and to engage citizens on disability issues. ODI has taken a broad range of measures within the scope of this mandate, such as:

- Creating a public online resource on accessibility in the areas of employment, housing, service provision, technology and in the workplace;
- Training of federal public servants on the Convention. For example, two government-wide conferences and several training sessions have been held and continue to be offered;
- Engaging representatives from the disability community on the development of programs and workshops on various disability issues and to secure their participation in these initiatives; and
- Launching a new online course for federal public servants, Decoding Disability, to increase knowledge about the challenges faced by federal employees with disabilities and to dispel common myths about disabilities.

75. As a means of raising awareness and combating stereotypes, the CRTC-approved *Equitable Portrayal Code*, created by the Canadian Association of Broadcasters, ensures the equitable portrayal of all persons in television and radio programming, including

persons with disabilities. Additionally, Sport Canada, through its programming, supports initiatives that raise awareness, foster understanding and promote participation in sport by persons with disabilities.

76. The Canadian Human Rights Commission has undertaken several awareness-raising initiatives in relation to the Convention and provides accessible, plain-language information to individuals, employers and service providers about equality, discrimination, harassment and employment equity.

Education

77. Persons with disabilities have equal access to primary, secondary, post-secondary and tertiary education, as protected by the Charter and human rights legislation.

78. While Canada's education system falls primarily under provincial and territorial (P/T) responsibility, the Government of Canada provides post-secondary support for students with permanent disabilities. Through grants, the Government provides financial assistance to help cover the costs of accommodation, tuition, books, and of exceptional education-related costs such as tutors, oral or sign interpreters, attendant care for studies, note takers, readers and braillers. The Canada Student Loans Program offers loan forgiveness for qualifying borrowers who have a severe permanent disability. The Disability Supports Deduction provides tax relief for the cost of disability supports incurred for the purposes of education, such as sign language interpretation and talking textbooks.

Health

79. While P/T governments have jurisdiction over most aspects of health care delivery in Canada, the Government of Canada, through the Health Care Policy Contribution Program, supports initiatives to strengthen continuing care and the health system's response to the physical or mental health needs of all Canadians, including persons with disabilities in areas such as: access to health care and reduction in wait times; primary health care and chronic disease management; and palliative and end-of-life care.

80. In addition, the Government provides benefits and programs for specific health concerns and to particular groups such as First Nations and Inuit people, as well as refugees. These include:

- Annual investments to prevent Fetal Alcohol Spectrum Disorder (FASD) births and to improve outcomes for those affected by FASD by supporting First Nation and Inuit communities in developing culturally appropriate and evidence-based prevention and early intervention programs, raising awareness and educating front-line workers;
- The Non-Insured Health Benefits Program, which provides eligible First Nations and Inuit people, including those with disabilities, with medically necessary health-related goods and services; and
- The Interim Federal Health Program (IFHP), which provides temporary coverage of health care benefits to protected persons, including resettled refugees and refugee claimants. The IFHP's Expanded Health Care Coverage covers the costs of certain health care products and services such as prosthetics and devices to assist mobility for certain eligible beneficiaries.

81. In the area of mental health, in 2013, the Government of Canada announced funding of $4 million over two years to increase the number of mental health wellness teams serving First Nations communities. In addition, the Mental Health Commission of Canada (MHCC) released in May 2012 its strategy to promote mental health and well-being, prevent mental health problems and illnesses wherever possible, and create a mental health

system that meets the needs of people of all ages living with mental illness and their families. The MHCC also released Canada's first national voluntary standard for psychological health and safety in the workplace, focusing on promoting employees' psychological health and preventing psychological harm due to workplace factors.

Employment

82. In addition to the Charter and the CHRA, the federal *Employment Equity Act* requires federally regulated employers to achieve workplace equality and remove the barriers to employment experienced by persons with disabilities and other designated groups. The Public Service Commission of Canada (PSC), as the organization responsible for implementing those requirements for the federal government appointment system, has developed an appointment policy framework[21] that incorporates the flexibilities of appointment measures allowed under the *Public Service Employment Act* for employment equity purposes, as well as duty to accommodate requirements in all matters related to staffing. The *Policy on the Duty to Accommodate Persons with Disabilities* outlines steps to achieve their full participation in the core public administration, such as providing and paying for technical aids, equipment, support materials and services for employees with disabilities.

83. The Government of Canada also recognizes the need to ensure greater participation of Canadians with disabilities in the labour market. With additional funding announced in 2012, the Opportunities Fund (OF) for Persons with Disabilities provides $40 million a year to assist individuals prepare for, obtain and retain employment. In recent years, the OF program has increasingly focused on providing more work experiences with small and medium-sized businesses and raising employer awareness.

84. Through Labour Market Agreements for Persons with Disabilities (LMAPDs), the Government of Canada allocates $222 million annually to provinces and territories to design and deliver programs and services to increase employment opportunities for persons with disabilities. A wide range of activities are supported under the LMAPDs, including pre-employment preparation, skills development and post-secondary education supports. The Government of Canada recently announced that it will introduce a new generation of LMAPDs starting in 2014. The reformed Agreements will be designed to address the current labour market needs and increase labour market participation for persons with disabilities as well as introduce stronger accountability regimes.

85. In 2012, the Government of Canada established the Panel on Labour Market Opportunities for Persons with Disabilities to engage private-sector businesses and other organizations to identify best practices and the barriers employers face in increasing the labour market participation of persons with disabilities. Its report — Rethinking disAbility in the Private Sector — highlights simple and low-cost ways in which employers can accommodate employees with disabilities, including modifications to workplaces and the provision of aids, devices and support services, and changes to job descriptions, policies and procedures. The report was widely disseminated to F-P/T governments, private employers, the disability community and the general public.

86. In response to the Panel's recommendations, the Government of Canada recently announced a $2 million investment to support the creation of an employers' disability

[21] The PSC's appointment framework includes an overarching policy on employment equity and the duty to accommodate requirements pertaining to staffing at: www.psc-cfp.gc.ca/plcy-pltq/eead-eeed/plcy-pltq-eng.htm The PSC also has guides and tools to support departments in integrating employment equity in the appointment process, including the Guide for Assessing Persons with Disabilities, at: www.psc-cfp.gc.ca/plcy-pltq/guides/assessment-evaluation/apwd-eph/index-eng.htm.

forum, which will be managed by employers, for employers, to facilitate education, training, and sharing of resources and best practices concerning the hiring and retention of persons with disabilities.

Adequate standard of living and social protection

87. While persons with disabilities have equal access to all social programs and benefits provided by governments, Canada recognizes that poverty rates among persons with disabilities remain a challenge in Canada.

88. To address this challenge, targeted benefits, income and housing supports are available to assist persons with disabilities and those who care for them. These include the Disability Supports Deduction for those who face additional disability-related costs, to be employed or to carry on a business, Canada Pension Plan Disability benefits and Employment Insurance sickness benefits, which provide financial assistance to those who are unable to work due to illness, injury, or quarantine, and Old Age Security benefits. The Canada Revenue Agency has various benefits, credits and deductions that are available to persons with disabilities and their families. This includes the Disability Tax Credit, which in fiscal year 2012–2013 had a utilization of over $985 million. Disability-related tax measures also include exemptions from goods and services tax, and caregiver tax credits.

89. Through the Registered Disability Savings Plan, individuals with severe disabilities and their families can save for their future. As of November 2012, 63,944 plans had been registered, individuals contributed almost $295 million, and the Government has paid over $404 million in grants and over $171 million in bonds.

Newfoundland and Labrador

Articles 9 and 20 – Accessibility and mobility

90. The *Buildings Accessibility Act*[22] requires that various aspects of public buildings be available to and accessible by persons with disabilities and extends these requirements to apartment buildings, hotels and building links.

91. Provincial funding is available to persons with disabilities for the purchase of adaptive and assistive technologies required to access training and/or employment.

Article 13 – Access to justice

92. The Mental Health Office is a project launched by the Legal Aid Commission in 2004 which provides persons with mental illness with psychiatric help and legal assistance for civil and criminal matters. The *Legal Aid Act*[23] allows an application for legal aid from a person found to be mentally incompetent, mentally ill or incapable of managing their own affairs to be accepted if made on that person's behalf by a third party. Recognizing that certain offenders with a mental disorder may commit offences as a consequence of their mental disorder or due to lifestyle issues related to their disorder, the province has instituted a Mental Health Court that provides increased supports to persons who appear before it.

[22] RSNL1990 cB-10: assembly.nl.ca/Legislation/sr/statutes/b10.htm.

[23] assembly.nl.ca/Legislation/sr/statutes/l11.htm.

Articles 10, 11 and 14–17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

93. The province's Emergency Social Services Program holds information gathering meetings with the Coalition of Persons with Disabilities to ensure that the needs of persons with disabilities are included in emergency protocols.

Liberty and security of the person

94. In 2008, *Decades of Darkness: Moving towards the Light*, a report from an independent review of the prison system in Newfoundland and Labrador, was released. As a result, ongoing training in mental health is offered to all front-line staff and psychological and medical services are available to all inmates.

95. The *Mental Health Care and Treatment Act*[24] requires two certificates of involuntary admission before a ministerial order can be issued for the transfer of a person from a correctional institution, prison, jail or lock-up to a psychiatric unit.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

96. All health research involving human subjects in the province must be approved by the Health Research Ethics Board[25] or a designated research ethics body. The Board is established as a non-profit body to approve research involving human subjects, under the *Health Research Ethics Authority Act*.[26]

Freedom from exploitation, violence and abuse

97. The Violence Prevention Initiative is a six-year, multi-departmental, government-community partnership which aims to find long-term solutions to the problem of violence against those most at risk in our society, including persons with disabilities.

98. The St. John's Family Violence Intervention Court is a specialized criminal court intended to prevent and reduce the incidence of family violence through accelerated access to support services and intervention programs.

99. The Regional Health Authorities offer programs and residential options for persons with disabilities. There are provincial standards guiding the programs and services and regular monitoring by professional staff ensures that residences and programs operate in compliance with the operational standards.

Protecting the integrity of the person

100. The provision of medical treatment is based on informed consent as prescribed in common law. The *Advance Health Care Directives Act*[27] outlines a substitute decision-making framework to be used when a person is unable to provide consent. Only under the strict conditions outlined in the *Mental Health Care and Treatment Act*[28] can treatment be provided without consent.

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[24] SNL 2006 c M-9.1: assembly.nl.ca/Legislation/sr/statutes/m09-1.htm.

[25] The board's composition includes men and women; persons experienced in the conduct of health research involving human subjects; at least one ethicist; at least one person knowledgeable of the law related to health research; and at least one person representing the general public.

[26] SNL2006 c H-1.2: assembly.nl.ca/legislation/sr/statutes/h01-2.htm.

[27] SNL 1995 cA-4.1: assembly.nl.ca/Legislation/sr/statutes/a04-1.htm.

[28] SNL 2006 C M-9.1: assembly.nl.ca/Legislation/sr/statutes/m09-1.htm.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Liberty of movement and nationality

101. It is mandatory to register all births in the province under the *Vital Statistics Act*.[29]

Freedom of expression and opinion, and access to information

102. Government disability supports and services are tailored to individual needs in order to ensure access to information in a timely and respectful manner. Funding has been provided for interpreters, Braille, FM Systems, and speech-generating devices to enable persons with disabilities to receive timely access to information and services related to training, career development and employment, and residential tenancy hearings. Social marketing campaigns are in accessible formats for persons with disabilities (e.g., closed captioned television ads, accessible websites).

Respect for privacy

103. The *Personal Health Information Act*[30] outlines a comprehensive scheme for the collection, use and disclosure of personal health information. It provides a mechanism for review and oversight by a third party, the Office of the Information and Privacy Commissioner.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

104. Funding is provided to various consumer groups to provide services to persons with disabilities which support independent community living. Residential options such as the Co-operative Apartment Program and Alternate Family Care are available to individuals with disabilities to encourage independent living and community inclusion.

Respect for home and family

105. Child care services inclusion policy and funding are in place to support regulated child care settings which include children with disabilities. The Special Child Welfare Allowance offers funding to parents of a child with a disability to purchase support services. One of the core competencies in assessing foster parents is their ability to meet a child's development needs.

Habilitation and rehabilitation

106. The province provides rehabilitation services to all individuals based on need and availability of service providers. Supplies and equipment are available under the Special Equipment Program.

Participation in cultural life, recreation, leisure and sport

107. *Active, Healthy Newfoundland and Labrador: A Recreation and Sport Strategy for Newfoundland and Labrador* was released in 2007 after consultation with members of the recreation and sport community. The Government ensures that disability-related adaptations and accommodations are recognized as eligible expenses in the various grants

[29] SNL2009 c V-6.01: assembly.nl.ca/Legislation/sr/statutes/v06-01.htm.
[30] SNL2008 c P-7.01: assembly.nl.ca/Legislation/sr/statutes/p07-01.htm.

offered by the division. It has created a Provincial Sport Organization to increase representation in Paralympics.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

108. The College of the North Atlantic has resource facilitators on staff at its Disability Services Office. Services include one-on-one or small group training sessions in Adaptive Technology; study skills; and courses in test-taking and note-taking. The Glenn Roy Blundon Centre at Memorial University provides supports for on-campus and distance students with disabilities.

109. The provincial government actively promotes the Convention by holding workshops; endorsing the use of the Convention's definition of disability; and using the Convention to provide instructive guidance in developing initiatives for inclusion.

110. The Violence Prevention Initiative delivers the Violence Awareness and Action Training Program for those involved in the justice system. Personnel in the justice system are trained on an ad hoc basis on issues facing persons with disabilities.

Employment

111. A Disability Accommodation Policy is in place for employees of the provincial government.[31]

Adequate standard of living and social protection

112. A Special Assistance Program provides basic supplies and equipment to assist with activities of daily living for persons with disabilities living in the community who meet the eligibility criteria.

Prince Edward Island

Articles 9 and 20 – Accessibility and mobility

113. Prince Edward Island (PEI) grants community agency funding through the Disability Support Program to enable specialized transportation services for persons with disabilities and provides financial support to individuals who require technical aids and devices to increase their communication, improve their accessibility and mobility, and access community programs and services.

Article 13 – Access to justice

114. Special provisions, such as accessible court facilities and Victim Services offices; access to interpretation or translation services where language barriers or hearing impairments exist; and provisions for facilitating the testimony of vulnerable witnesses (e.g. testimonial aids such as witness screen, support persons, testimony through closed circuit TV) are available for victims of crime who have physical, mental, intellectual or sensory impairments.

[31] www.gov.nl.ca/exec/pss/working_with_us/disability_accommodation.html.

Articles 10, 11 and 14–17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

115. The PEI Emergency Measures Organization is responsible for the development and coordination of an overall provincial emergency management program in relation to emergencies and disasters including response strategies for persons with disabilities.

116. The 911 Administration Office recently collaborated with the PEI Chapter of the Canadian Hard of Hearing Association to develop *Guidelines for Making a 9-1-1 Call* [direct connection to emergency services]*, for Individuals who are Hard of Hearing*.[32]

Liberty and security of the person

117. Under the *Mental Health Act*[33], persons who are involuntarily admitted to a hospital may be admitted, detained, restrained and observed for up to 72 hours. A peace officer may take a person into custody for an involuntary psychiatric examination within 24 hours if the officer believes that (a) the person is suffering from a mental disorder of a nature or degree so as to require hospitalization in the interests of the person's own safety or the safety of others; (b) the person is refusing or unable to consent to undergo psychiatric examination; and (c) the urgency of the situation does not allow for a judicial order for psychiatric examination. The person has the right to retain counsel and receive a full explanation of the implications of any actions laid against them and of all possible procedures for the patient to appeal such decisions.

118. Under the *Adult Protection Act*[34], an individual who is in need of protection may receive a "protective intervention" from an authority warranted by a court order where they may be removed from his/her present circumstance and placed elsewhere under supervisory/care arrangements. Adults in need of protection may, upon assistance from the Minister of Justice, apply for public trustee guardianship support. All actions are reviewable by the appropriate courts.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

119. Section 12 of the *Consent to Treatment and Health Care Directives Act*[35] specifically prohibits providing consent on behalf of a person with a disability for medical or scientific experimentation.

Freedom from exploitation, violence and abuse

120. Family violence initiatives consider the needs of persons with disabilities. In cases of family violence, victims may be eligible to apply for an emergency protection order or victim assistance order under the PEI *Victims of Family Violence Act*.[36]

121. In the 2010 Department of Justice & Public Safety's *Policies, Procedures and Protocols Manual*, disabilities are included as a diversity factor. This includes *Woman and Spousal Abuse Protocols* developed for justice, police, income support and hospital emergency personnel.

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[32] www.gov.pe.ca/jps/index.php3?number=1012182.
[33] www.gov.pe.ca/law/statutes/pdf/m-06_1.pdf.
[34] www.gov.pe.ca/law/statutes/pdf/a-05.pdf.
[35] www.gov.pe.ca/law/statutes/pdf/c-17_2.pdf.
[36] www.gov.pe.ca/law/statutes/pdf/v-03_2.pdf.

122. The *Community Care Facilities and Nursing Home Act*[37] provides for a licensing process and establishes an independent Community Care Facilities Board to establish policy and standards, and to ensure compliance with established standards for re-licensing.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

123. The *Freedom of Information and Protection of Privacy Act*[38] establishes a right of access by any person to records in the custody or under the control of a public body, subject to limited and specific exceptions set out in the Act. Section 4 of the Act's *Regulations* establishes that an applicant with a physical disability or condition that impairs his/her ability to make a written request may make an oral request. Public bodies are required to assist individuals seeking records under the Act who are disabled, do not have literacy skills or are otherwise unable to exercise their rights under regular procedures.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

124. The government of PEI provides personalized community living supports through the Disability Support Program (DSP) (e.g., employment supports, respite, technical aids, and home modifications) and provides increased support for persons with disabilities within the Social Assistance Program (e.g., the shelter rate benefit is higher for single persons with disabilities than for persons without disabilities).

Respect for home and family

125. Child care subsidy support in a licensed child care center is available for reasons related to the special needs of the child or the parents. The DSP provides case management and financial resources towards the needs of families with a child with disabilities.

Habilitation and rehabilitation

126. Comprehensive programs and services are available for both habilitation and rehabilitation within the health system, including measures to support persons with disabilities.

127. The DSP provides early intervention support to families and pre-employment case planning which involves post-secondary and labour market participation and works in partnerships with community NGOs. It also provides support in the area of assistive devices and technology that can maintain and/or increase the employability of a person living with a disability (e.g., computer software, communication devices, mobility aids, vehicle modifications, job coach supports, and wage subsidy).

Participation in cultural life, recreation, leisure and sport

128. The government of PEI provides an annual contribution to NGOs whose mandate is to provide sport and recreation opportunities for persons with a disability.

[37] www.gov.pe.ca/law/statutes/pdf/c-13.pdf.
[38] www.gov.pe.ca/law/statutes/pdf/f-15_01.pdf.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

129. Specialized services to students with autism are offered by trained consultants and early childhood autism specialists. Trained teachers support educational programming for students who are deaf or hard of hearing and students with a visual impairment using Braille education, sign language and mobility supports. Other professionals, such as Speech Language Pathologists, offer school-based services to students with speech, literacy or language development needs. Professional development is offered to resource teachers, classroom teachers and administrators in order to better support students with a range of disabilities.

130. The province works with the Canadian National Institute for the Blind to provide training and support for daily living skills, such as mobility skills for persons with a visual impairment.

Employment

131. PEI endorsed the Workforce Diversity Policy in 2002 to support an innovative, diverse and inclusive workforce and has invested in target support measures to increase the labour market attachment for persons with disabilities ensuring a representative public service workforce (e.g., career counseling, assistance on job search, diversity talent pool, and some costs for special device aids or assistance).

Adequate standard of living and social protection

132. The Social Action Plan that PEI is developing to address poverty will take account of the higher poverty rate commonly experienced by persons with disabilities.

133. The DSP is an essential program for providing community supports including personal care, supervision, behavioural care, community living & participation, respite, employment supports, technical aids/assistive devices and specialized supports. The Child Care Subsidy Program offers access to affordable and quality child care supports in licensed child care centers. Contractual agreements with NGOs provide other supports (e.g., residential, vocational, transportation, advocacy, rehabilitation and social inclusion).

134. All of these measures taken together can enable a person with a disability to reside in the community with the required supports.

Nova Scotia

Articles 9 and 20 – Accessibility and mobility

135. The Nova Scotia *Human Rights Act* prohibits discrimination on the basis of physical or mental disability in the provision of or access to services or facilities.

136. Some examples of technical standards and guidelines for accessibility to facilities and services include barrier free design in the *Building Code Regulations*, the Universal Accessibility Plan for public transit, and technical standards for government websites.

137. There are programs for public school students to access assistive technology communication devices, resources for seniors with disabilities to live more independently including finding independent living services and care outside the home.

138. Disability supports are available through the Canada-Nova Scotia Labour Market Agreement for Persons with Disabilities, and the Services for Persons with Disabilities Program.[39]

Article 13 – Access to justice

139. The *Nova Scotia Civil Procedure Rules* allow for assistance for parties and witnesses in civil proceedings. A guardian *ad litem* may be appointed for persons with a disability in Family Court. There are also processes to ensure that the special communication needs of victims and witnesses in criminal court are met. Some persons may have their criminal charges dealt with through the Mental Health Court.

140. There are new guidelines for correctional workers on the use of conductive energy devices, and corrections workers receive training on dealing with emotionally disturbed individuals.

141. Legal Aid is generally available for low-income persons for criminal and family matters, and legal assistance for persons with disabilities is also available through Reachability, a charitable organization supported by the province.

142. Redress mechanisms which are available to all in Nova Scotia include Charter and other legal challenges before the courts and complaints to the Nova Scotia Human Rights Commission.

Articles 10, 11 and 14–17 – Protection of the person

Liberty and security of the person

143. Court approval is required to compel persons to accept services under the *Adult Protection Act* or to receive treatment against their will, including hospitalization, under the *Involuntary Psychiatric Treatment Act*. Patient advisors assist patients under the latter act, and legal aid may also be available.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

144. The *Hospitals Act* requires that consent must be provided for any treatment.

Freedom from exploitation, violence and abuse

145. Independent monitoring of facilities and programs specifically designed for persons with disabilities is carried out by the Ombudsman.[40] Homes for seniors and persons with disabilities are monitored and licensed by the government, and complaints of abuse in such homes are investigated under the *Protection of Persons in Care Act*.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

146. The Nova Scotia Public Service Commission Sign Language Interpreter Services Policy for the Deaf and Hard-of-Hearing requires that interpreters be made available to access government services.

[39] www.gov.ns.ca/coms/employment/employment_services/LabourMarketAgreement.html.
[40] www.gov.ns.ca/ombu.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

147. Independent living schemes include community-based homes, assistance for independent living, foster family support programs and direct family support. The Self-Managed Care Program provides financial assistance for persons with disabilities to employ caregivers.

Respect for home and the family

148. Persons with disabilities may marry, establish a family, become a foster parent or adopt. Programs to support parents with disabilities include the Healthy Beginnings home visiting program for new parents, the Early Intervention Programs for children with special needs, and early detection and intervention programs such as Universal Newborn Hearing Screening.

149. The *Children and Family Services Act* enshrines the principle of the best interests of the child and emphasizes the importance of placing children in care with relatives or within their own cultural, religious or other heritage background. There is financial assistance available for families adopting children with disabilities.

Participation in cultural life, recreation, leisure and sport

150. Children with disabilities may participate in play, recreation, leisure and sporting activities through the school system and other organizations including Recreation Nova Scotia.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness rising

151. The *Special Education Policy Manual* guides school boards, teachers and parents regarding the inclusion of students with disabilities. The *Handbook for the Transportation of Students with Special Needs* sets out the protocol for transporting students. There are specialized educational supports for children with autism.[41] A personal care attendant, note taker or assistive technology is available to students. Grants are available for persons with disabilities who wish to access post-secondary education.[42]

152. Employment Support Services assists with both job search and retraining. There is also a Diversity Accommodation Fund to assist persons with disabilities employed in the public service. The Atlantic Provinces Special Education Authority provides educational support for children and youth in Atlantic Canada who are visually impaired or have a hearing disability.[43]

Employment

153. Employment of persons with disabilities in the provincial government is promoted through the Employment Equity Policy, the Fair Hiring Policy, the Diversity Accommodation Fund and the Diversity Round Table.[44]

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[41] novascotia.ca/coms/noteworthy/AutismActionPlan.html.

[42] psds.ednet.ns.ca/services.

[43] novascotia.ca/psc/.

[44] www.gov.ns.ca/psc/pdf/employeeCentre/diverseWorkforce/employmentEquityPolicy.pdf.

Adequate standard of living and social protection

154. All Nova Scotians in need are entitled to public assistance for food, special needs and housing. Social protection and poverty reduction programs include the Direct Family Support Program which provides funding to families to care for an adult or child at home with a disability; the Employment Support and Income Assistance Program which provides support for those living in the community; and the Services for Persons with Disabilities Program which provides financial assistance and placement in homes for special care. Housing supports include Access-A-Home, which provides a grant to make a home accessible for persons in wheelchairs. Public housing in Nova Scotia offers accessible units.

New Brunswick

Articles 9 and 20 – Accessibility and mobility

155. The New Brunswick *Human Rights Act*[45] protects individuals, including persons with disabilities, and specifically prohibits discrimination in the areas of employment, housing, services, publicity and association. It imposes a duty to accommodate on employers, unions and healthcare providers to the point of undue hardship in these areas. Other examples of legislation promoting accessibility include the *Official Languages Act*[46] and the *New Brunswick Building Code Act*.[47]

156. Examples of policies, social programs and services addressing accessibility and mobility include: Workers' Compensation; Interpreter Services for the Deaf; the Vehicle Retrofitting and Accessible Vehicle Program; the Disability Tax Credit; the Ta . Rebate for Specially Equipped Vehicles for the Disabled; and parking placards.[48]

Article 13 – Access to justice

157. New Brunswick provides access to justice in many forms. Legal aid is available to all New Brunswick citizens for criminal or family law cases. The *Victim Services Act*[49] supports victims of crime through the criminal justice process, including information and referrals, court preparation and support.

158. The New Brunswick Human Rights Commission[50] promotes equality and investigates and tries to settle complaints of discrimination and harassment. If a complaint cannot be settled, a human rights tribunal can hear the evidence and order redress if discrimination is found.

[45] laws.gnb.ca/en/ShowPdf/cs/2011-c.171.pdf.
[46] laws.gnb.ca/en/ShowPdf/cs/O-0.5.pdf.
[47] laws.gnb.ca/en/ShowPdf/cs/N-3.5.pdf.
[48] www.gnb.ca/0048/PCSDP/DirectoriesForPersons/DirectoryofServices/TableOfContents-e.asp.
[49] laws.gnb.ca/en/showpdf/cs/V-2.1.pdf.
[50] www.gnb.ca/hrc-cdp/index-e.asp.

Articles 10, 11 and 14-17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

159. The New Brunswick Emergency Measures Organization[51] co-ordinates provincial preparedness for emergencies. Part of that responsibility involves providing training and advising responder agencies on processes and protocols to identify vulnerable persons and persons with disabilities who may need assistance during natural disasters.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

160. The *Nursing Homes Act*[52] requires that nursing home operators ensure that no unauthorized individual or agency is permitted to interview or examine a resident or resident records for any purpose without the consent of the operator and the informed consent of the resident or, where the resident is unable to give an informed consent, the informed consent of his next of kin or legal representative.

Freedom from exploitation, violence and abuse

161. New Brunswick implements a number of abuse and neglect protocols: the Women Abuse Protocols[53], the Child Victims of Abuse and Neglect Protocols[54] and the Adult Victims of Abuse Protocols.[55]

162. The *Nursing Homes Act* requires that nursing homes be licensed. They may be placed under a government appointed trustee, closed, and/or expropriated if the operator does not comply with the terms of the license and/or requirements of the Act.

Protecting the integrity of the person

163. The *Mental Health Act* stipulates that a person is mentally competent to give or refuse to give consent if the person is able to understand the subject-matter and appreciate the consequences of giving or refusing to give consent.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

164. The *Right to Information and Protection of Privacy Act* and the *Personal Health Information Protection and Access Act* establish the parameters within which personal information can be collected, used, and disclosed, as well as provide individuals with the right to access general information and their own personal information held by government bodies. The government has a duty to assist those requiring assistance in making requests, in reviewing the information with the individual, and an obligation to respond to the request in the language the request was made.

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[51] www2.gnb.ca/content/gnb/en/departments/public_safety/emo.html.

[52] laws.gnb.ca/en/ShowPdf/cs/N-11.pdf.

[53] www2.gnb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Women/WomanAbuse-e.pdf.

[54] www2.gnb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Child/ChildAbuseProtocols05-e.pdf.

[55] www2.gnb.ca/content/dam/gnb/Departments/sd-ds/pdf/Protection/Adult/AdultProtocol-e.pdf.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

165. New Brunswick supports independent living in the community through various programs and services, such as the Transitional Living Program; Adult Development Activities, Programs and Training; Home Support Services; and the Disability Support Program.

Respect for home and family

166. Under the *Marriage Act*[56], all persons have the right to marry and to found a family provided that they are legally able to marry (levels of consanguinity), and that they are marrying of free will.

167. The province supports Community-Based Services for Children with Special Needs such as case-managed assistance for families to meet the special developmental needs of children with severe, life-long developmental disabilities and who require daily assistance with personal care and everyday life activities (e.g., rehabilitation equipment, recreational opportunities, home support services, etc.).

Habilitation and rehabilitation

168. Under the Disability Support Program[57], social workers assist individuals to develop personal disability support plans through independent facilitation and person-centered approaches.

Participation in cultural life, recreation, leisure and sport

169. New Brunswick's Wellness Strategy includes initiatives, programs and services such as the creation of a Parasport Coordinator and the Regional Community Development Grants fund, which both work to increase and encourage physical activity and participation in sport and recreation. Funding is also available for adaptive equipment to promote inclusive programming.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

170. New Brunswick's Integrated Service Delivery Framework provides a range of services across government departments involved with children and youth aged 5 to 21 who are deemed at-risk and/or have complex social, emotional, physical and/or mental health needs.

171. With specific guidelines and learning strategies for the Anglophone and Francophone sectors[58], inclusive public education is provided for students with disabilities, who are accommodated in the general classroom using Braille, sign language, and so forth. Separate classroom time for learning particular communications and mobility skills is also provided.

[56] laws.gnb.ca/en/showfulldoc/cs/2011-c.188//20120105.

[57] www2.gnb.ca/content/gnb/en/services/services_renderer.200972.html.

[58] www.gnb.ca/0000/francophone-e.asp and www.gnb.ca/0000/anglophone-e.asp.

172. New Brunswick administers and delivers federally funded Canada Student Grants for persons with disabilities, as well as provincial programs such as the Repayment Assistance Plan for Borrowers with a Permanent Disability; the Severe Permanent Disability Benefit (loan write-off); and the Training and Employment Support Services Program for persons with disabilities.

173. The New Brunswick Human Rights Commission is mandated to provide public education, including subject-specific guidelines. New Brunswick's annual Disability Awareness Week[59] promotes better community access for people with disabilities.

Health

174. In New Brunswick, health services are provided to persons with disabilities on precisely the same basis as for persons with no disability in matters of standard of care, access and so forth.

175. Recent initiatives to improve health services for persons with disabilities include *The Action Plan for Mental Health in New Brunswick, 2011-2018*[60] and http://www.gnb.ca/0055/pdf/2011/7379 english.pdfthe *Joint Statement on the Implementation of Jordan's Principle in New Brunswick*. Jordan's Principle ensures that Aboriginal children who live on reserve in New Brunswick and who require multiple health service providers will not be denied services as a result of jurisdictional funding disputes between the provincial and federal governments. If a jurisdictional dispute should arise, New Brunswick's normative standards of care will be provided immediately through the agency of first contact while the jurisdictional funding dispute is being resolved.

Employment

176. The province has developed *An Employment Action Plan for Persons with a Disability in New Brunswick*[61] in collaboration with community, employers, and government to increase labour force participation of persons with disabilities. The Plan is based on 38 recommendations to change and build policies within government, enhance services, build a culture of true collaboration, engage employers and fundamentally shift how government, organizations and the private sector address disability and employment.

177. Examples of ongoing services and programs for persons with disabilities seeking employment, training and skills development include the Transition to Work Strategy, which targets youth with disabilities leaving high school, and the Training and Employment Support Services for Persons with Disabilities which provides assistive technologies and other supports.

Adequate standard of living and social protection

178. Adequate standard of living is addressed in the New Brunswick Human Rights Commission's *Guideline on Social Condition*.[62]

179. The Disability Supplement and Extended Benefits program provides additional financial assistance under the Social Assistance program to qualified persons with disabilities.

[59] www.gnb.ca/0048/DAW2012/IndexDAW2012-e.asp.
[60] www.gnb.ca/0055/action-e.asp.
[61] www.gnb.ca/0048/index-e.asp.
[62] www.gnb.ca/hrc-cdp/07-e.asp.

Québec

Background

180. In 1978, Quebec passed an act to ensure that persons with disabilities could exercise their rights and created the Office des personnes handicapées du Québec ("the Office"). In 2004, the act was renamed *An Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration* ("the Act") and emphasizes the accountability of all public and private actors. It requires government departments and agencies with 50 or more employees and municipalities with a population of 15,000 or more, to adopt an annual action plan to reduce barriers to the integration of people with disabilities.

181. Adopted in 2009, the policy entitled Equals in Every Respect: Because Rights Are Meant to Be Exercised ("EIER") seeks to increase the social participation of persons with disabilities. The policy comes with an implementation plan which includes 420 formal commitments.

182. The *Quebec Charter of Human Rights and Freedoms* prohibits all forms of discrimination on the basis of disability or of a person's use of a means to palliate one's disability.

Articles 9 and 20 – Accessibility and personal mobility

183. The right to equality without discrimination recognized in the Charter gives rise to the obligation to reasonably accommodate a person with a disability or of a person's use of means to palliate one's disability. One of the EIER's intervention priorities is developing accessible environments: premises, transportation infrastructure, communications and consumer products. Under the Act, public transit authorities must implement a development plan to ensure that services are accessible to persons with disabilities. The government financially supports Paratransit services. The *Building Code* provides barrier-free access standards for buildings and public spaces. Various technical aids programs help to facilitate the mobility of persons with impaired mobility.

Article 13 – Access to justice

184. Quebec provides a legal aid plan for persons on low income that can benefit persons with disabilities. The *Code of Civil Procedure* states that any person subject to an application for protective supervision must first be questioned by a judge. There are specific rules that apply to representation and hearings for persons with certain disabilities. Interpreter fees for persons who are deaf and hard of hearing are borne by the government when the person is a party or a witness.

Articles 10, 11 and 14–17 – Protection of persons

Protection from exploitation, violence and abuse

185. Section 48 of the Charter and the *Civil Code* sets out the principle of the inviolability of the person and consent to care is central to Quebec law, particularly with regard to minors and incapacitated adults. If such a person suffers, or risks suffering, harm through the action or omission of a government agency, that person may request intervention by the Quebec Ombudsman.

186. The Act allows the Office to intervene when a person with a disability experiences any exploitation or when their basic needs are not met. Furthermore, measures of control such as physical restraint, isolation and chemicals are strictly circumscribed by, among others, the *Act Respecting Health Services and Social Services*.

187. The Government Action Plan on Domestic Violence, the Government Action Plan on Sexual Assault and the Government Action Plan to Fight Elder Abuse all propose measures addressing the needs of persons with disabilities, including women.

Protecting the integrity of the person

188. In detention facilities, training in classifying incarcerated persons helps determine what type of monitoring would be appropriate to his or her physical and mental condition.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion and access to information

189. Government agencies are obliged to offer, by means of adaptive communication equipment, access to documents and services for persons with disabilities. Government Web sites must comply with three accessibility standards in line with the most advanced international standards.

190. In the area of sign language use, interpretation services are provided in the education network. Similar services are also offered in the regions to meet communications requirements in a number of areas of activity.

Respect for privacy

191. Respect for privacy is affirmed by the Charter and various acts, particularly in the chapter on medical information.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

192. A home support policy and fiscal measures promote independent living for persons with disabilities.

Respect for home and family

193. Quebec's family policy aims at making daycare services more accessible to children with disabilities. A guide was developed to help daycare providers to adopt attitudes supportive of their integration. In addition, there is a measure for supporting high-needs children with disabilities and integrating them into daycare services, and providing monitoring services to achieve family-work balance. An allowance for respite services and babysitting is also provided. According to the *Civil Code*, any decision taken with respect to a child must be in the child's best interest. The *Youth Protection Act* clearly states that every decision made under this Act must aim at keeping the child in the family environment, unless doing so is not in his or her best interests

Participation in cultural life, recreation, leisure and sport

194. Several programs are offered, such as the Programme d'assistance financière à l'accessibilité aux camps de vacances [Financial Assistance Program for Access to Summer Camps], the Programme d'accompagnement en loisir pour les personnes handicapées

[Recreation Support Program for Persons with Disabilities] and the Programme de soutien au développement de l'excellence sportive [Support Program for Developing Athletic Excellence].

Articles 8, 24, 25, 27 and 28 – Participating in social and economic life

Education, promotion and outreach

195. The *Education Act* formally recognizes the principle of academic integration in public education. Various rules and procedures are based on this Act, such as the Policy on Special Education, and the Action Plan to Promote Success for Students with Handicaps, Social Maladjustments or Learning Disabilities.

196. Since 1996, the government has held week-long outreach campaigns to promote the rights of persons with disabilities. The Web site Ensemble au travail [Working Together] presents portraits of the professional success of persons with disabilities as well as the programs and services provided to employment candidates and employers.

Health

197. All Quebec residents are covered by the public health insurance policy. Medication insurance is obligatory for everyone through either a private or public plan. The government is taking various approaches with professional associations, particularly those in the domain of health, in order to adapt their interventions to the needs of persons with disabilities.

Employment

198. In addition to the provisions of the Charter, the Act respecting equal access to employment in public bodies requires over 600 public organizations to set up programs for employment equity access, with a view to increase the representation of minority groups such as persons with disabilities. The National Strategy for Labour Market Integration and Maintenance of Handicapped Persons aims at ensuring employment equity for persons with disabilities and increasing their participation in the labour market. By means of grants, the Contrat d'intégration au travail [Employment Integration Contract] promotes the hiring and retaining of persons with disabilities in a standard workplace and the Programme de subvention aux entreprises adaptées [Grant Program for Adapted Businesses] supports over forty businesses that hire a majority of persons with disabilities who are unable to work in ordinary conditions. Furthermore, the government has adapted its employment services to make access easier for persons with disabilities. Finally, a financial assistance program with increased benefits is designed for people with severely limited capacity for employment.

Adequate standard of living and social protection

199. A residential adaptation program assists persons with disabilities to pay for work required to make their residence more accessible. In addition, publicly funded low-income housing has over 1,600 units adapted for persons with disabilities. The Accès Logis Program also maintains a supply of rental housing for these clients.

Ontario

Articles 9 and 20 – Accessibility and mobility

200. The *Accessibility for Ontarians with Disabilities Act, 2005* establishes the goal of an accessible Ontario by 2025. This goal is to be achieved through the development, implementation and enforcement of accessibility standards in five key areas of daily living: customer service, transportation, employment, information and communications, and the built environment.

201. The *Accessibility Standard for Customer Service Regulation* applies to all organizations (public, private and not-for-profit) that provide goods or services directly to the public or to other organizations in Ontario and that have one or more employees in Ontario.

Article 13 – Access to justice

202. The Ministry of Children and Youth Services complies with the federal *Youth Criminal Justice Act* which mandates that the response to an offence committed by a young person (aged 12 to 17 at the time of the offence) should reflect the needs and individual circumstances of the young person, including those with disabilities.

203. All custody/detention (correctional) staff and probation office staff are required to be trained in accommodating or admitting persons with disabilities, in accordance with the *Public Service of Ontario Act*, the *Child and Family Services Act*, the *Youth Criminal Justice Act* and the *Criminal Code* of Canada and standards, policies, procedures and directives established by the ministry.

204. The Ministry of Community Safety and Correctional Services has developed the *Police Response to Persons who are Emotionally Disturbed or Have a Mental Illness or a Developmental Disability Guideline* to assist police services in the implementation of the *Police Services Act* and its regulations.

205. The Ontario Provincial Police piloted the use of video conferencing equipment to provide access to sign language interpreters for both victims and witnesses who are deaf/hard of hearing. It also recently revised its policy to ensure that officers consider the provision of a support person when interviewing an accused with a cognitive-related disability.

Articles 10, 11 and 14–17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

206. Under the *Information and Communications Standard*, organizations that prepare emergency and safety information are required to provide this information publicly in an accessible format upon request. Under the *Employment Standard*, organizations are required to provide employees with disabilities with individualized workplace emergency safety information to prepare for potential workplace emergencies.

Protecting the integrity of the person

207. Health practitioners have to obtain the consent of a person before administering treatment. If the person is incapable, the consent must be obtained from his or her legally authorized substitute decision-maker. In Ontario, a substitute decision-maker does not have

legal authority to consent to participation in medical research, sterilization or the removal of regenerative or non-regenerative tissue, on an incapable person's behalf.

208. The *Ontario Personal Health Information Protection Act, 2004* balances individuals' right to privacy with respect to their own personal health information with the legitimate needs of persons and organizations providing health care services to access and share this information. With limited exceptions, the legislation requires health information custodians to obtain consent before they collect, use or disclose personal health information. In addition, individuals have the right to access and request correction of their own personal health information.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

209. The *Information and Communications Standard* under the *Integrated Accessibility Standards Regulation* requires all organizations (public, private and not-for-profit) to send and receive information and communications in ways that are accessible to persons with disabilities.

210. Ontario public sector, private and not-for-profit organizations with 50 or more employees are required to make their websites and web content conform to the international standard developed by the World Wide Web Consortium (W3C), *Web Content Accessibility Guidelines 2.0*.

211. In addition, organizations are required to provide accessible formats and communications supports to persons with disabilities, when requested. This includes providing accessible formats of educational resources, student records and information on programs.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Habilitation and rehabilitation

212. Many school boards in Ontario have school-based teams that suggest teaching strategies to teachers who have students with special education needs. The teams often have expertise in such areas as speech and language development, psychology, physical and occupational therapy and social work.

Living independently and being included in the community

213. Stable housing is central to attaining treatment goals with housing being part of any comprehensive treatment program. The Ministry of Health and Long-Term Care (MOHLTC) currently funds 8,500 units of supportive housing for persons with serious mental illness through the 14 Local Health Integration Networks (LHINs) to enable them to maintain tenancy. Support services offered by LHINs may include personal support services such as homemaking and personal care, life skills, peer support and more clinical mental health supports such as crisis support or case management.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Health

214. Mental health and addictions services and supports are funded by the MOHLTC through LHINs. They address the needs of disadvantaged clients and operate with the

purpose of having clients return to or maintain participation in all aspects of their lives. Specific community-based programs include housing support.

Employment

215. In January 2010, the Ministry of Community and Social Services launched the Don't Waste Talent awareness campaign[63] to address the real and perceived barriers that discourage employers from hiring people with disabilities. The campaign encouraged Ontario employers to hire people with disabilities through the Ontario Disability Support Program (ODSP). It also encouraged people with disabilities to consider entering the workforce through the ODSP employment supports program.

216. Ontario Colleges of Applied Arts and Technology help people with special needs participate in apprenticeship, pre-apprenticeship and Ontario Youth Apprenticeship Programs. Eligible expenditures to support apprentices with disabilities include: offices for students with disabilities, equipment and technology, support services and professional development.

Education

217. The Ministry of Education allocates funding through a series of grants[64] that provide school boards with flexibility to direct funds according to the required supports of students with special education needs.

218. About 82 percent of all students (86 percent at secondary schools) receiving special education programs or services are placed in regular classrooms for more than half of the instructional day.

219. Ontario's Student Success initiatives[65] are intended to support all students, including students with special education needs. These initiatives provide opportunities for high school students to customize their secondary school program based on their interests, strengths and career plans. Student Success initiatives include: an expansion of co-operative education programs; Dual Credits; the Specialist High Skills Major; and the School-College-Work Initiative.

220. The Ministry has provided funding related to the training of professionals regarding several specific areas of need, including with respect to children and youth with autism spectrum disorders, children and youth who are deaf or hard of hearing and those facing mental health and/or addictions related issues.

221. Special grants are provided to university and college disability offices to help them meet their legal obligations to provide access and accommodation for students with disabilities.

Adequate standard of living and social protection

222. Clients of the Ontario Disability Support Program have the right to ask for an internal review of any decision about their case that they do not agree with. If dissatisfied with the outcome, they can appeal to the independent Social Benefits Tribunal, which hears appeals of decisions that affect eligibility for social assistance or the amount that beneficiaries receive under the *Ontario Works Act, 1997* or the *Ontario Disability Support Program Act, 1997*.

[63] www.mcss.gov.on.ca/talent.

[64] www.edu.gov.on.ca/eng/policyfunding/funding.html.

[65] *Ibid.*

Manitoba

Articles 9 and 20 – Accessibility and mobility

223. The Accessibility Advisory Council, created in 2011 under *The Accessibility Advisory Council Act*, provides recommendations to the Minister responsible for persons with disabilities on new legislation that will proactively prevent and remove barriers to accessibility for persons with disabilities in Manitoba.

224. The Manitoba Policy on Access to Government Publications, Events and Services (MPAG) has the purpose of ensuring equal access by Manitobans with disabilities to information, public meetings, and other services provided by government.

Article 13 – Access to justice

225. In May 2012, a special Mental-Health Court began sitting in Manitoba. It will work with accused whose mental health issues are the likely cause of their criminal behaviour. Manitoba is also expanding mental health services to better support these individuals.[66]

226. Crown Prosecutors in Manitoba, with support from specialized victim services, are required to make necessary accommodations to assist a victim with disabilities to provide their testimony.

227. Manitoba's Compensation for Victims of Crime Program under *The Victims' Bill of Rights*[67] compensates victims or witnesses who have been injured (physically or emotionally) because of certain serious crimes designated by regulation.

Articles 10, 11 and 14–17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

228. The Disability Emergency Management Network Manitoba is a coalition of community disability and seniors organizations, emergency responders and Manitoba's Disabilities Issues Office, established to educate and meet the needs of persons with disabilities whose functional limitations place them at risk during disasters.

Liberty and security of the person

229. *The Vulnerable Persons Living with a Mental Disability Act*[68] allows an adult with a developmental disability to be placed in a developmental centre only by court order, where it is in the best interests of the adult and only if attempts to find an alternative were unsuccessful.

230. Specialized health care units are available for prisoners with medical disabilities and housing protocols have been established for prisoners who have been declared vulnerable persons.

231. Under *The Mental Health Act*[69], a person with a mental disorder may only be detained for psychiatric evaluation and, where warranted, treatment in a mental health

[66] www.gov.mb.ca/chc/press/top/2012/04/2012-04-10-133700-13634.html.
[67] web2.gov.mb.ca/laws/statutes/ccsm/v055e.php.
[68] web2.gov.mb.ca/laws/statutes/ccsm/v090e.php.
[69] web2.gov.mb.ca/laws/statutes/ccsm/m110e.php.

facility if he or she "is likely to cause serious harm to himself or herself or to another person, or to suffer substantial mental or physical deterioration", and is unwilling or unable to consent to the evaluation and treatment. A psychiatrist must review th detention every three months and the Mental Health Review Board, which hears appeals respecting detentions, must also review any involuntary detention once a year to ensure that the grounds continue to exist.

Freedom from exploitation, violence and abuse

232. Anyone may file a complaint alleging a violation of their right to be free from discrimination and harassment under *The Human Rights Code*.[70] An arm's-length Commission must investigate each complaint and argue the complaint before an adjudicator if one is appointed, at no cost to the complainant.

233. Independent monitoring of facilities and programs that provide housing and other services to persons with disabilities is provided under *The Vulnerable Persons Living with a Mental Disability Act* and *The Protection for Persons in Care Act*.[71] Manitoba also passed legislation in June 2011 to create a registry of persons found to have abused or neglected vulnerable adults.[72]

Protecting the integrity of the person

234. Under *The Mental Health Act* in Manitoba, a "committee of personal care" cannot consent on behalf of a person with a mental health disability to research-oriented medical treatment that offers little or no benefit, sterilization that is not medically necessary, or the removal of tissue for transplant, medical education or medical research.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Liberty of movement and nationality

235. Manitoba supports equal access to and provides accommodation in the application process for identifying documentation for persons with disabilities, including birth and marriage certificates.

Freedom of expression and opinion, and access to information

236. Through the MPAG, government departments, boards, commissions, corporations and special operating agencies must provide reasonable access to public information in multiple formats upon request (Web and print), hold public events in accessible spaces, meet the physical and communication needs of persons with disabilities upon request, and provide customer service that reasonably meets disability-related needs.

Respect for privacy

237. *The Freedom of Information and Protection of Privacy Act*[73] and *The Personal Health Information Act*[74], which protect the privacy of personal and personal health information respectively, apply not only to governmental bodies but also to a wide range of

[70] web2.gov.mb.ca/laws/statutes/ccsm/h175e.php.
[71] web2.gov.mb.ca/laws/statutes/ccsm/p144e.php.
[72] web2.gov.mb.ca/laws/statutes/2011/c02611e.php.
[73] web2.gov.mb.ca/laws/statutes/ccsm/f175e.php.
[74] web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php.

educational institutions, municipal and other local government bodies, and health care institutions and providers.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

238. The province supports the right of persons with disabilities to choose where they wish to live, and is significantly increasing its investment to provide options for community living.

239. The Government of Manitoba funds a wide variety of agencies to promote independent living. For example, Community Living disABILITY Services funds approximately 100 external agencies to support adults with an intellectual disability to live and participate in the community.

Respect for home and family

240. Children's disABILITY Services (CDS) is a non-statutory, voluntary program that provides assistance to families raising children with developmental and/or physical disabilities. Parents who have a mental disability are eligible to receive services from the CDS Program because their children are at significantly higher risk of experiencing developmental delays.

241. CDS also provides early intervention services, including child development for pre-schoolers; occupational, physical, and speech language therapy; and applied behaviour analysis for pre-schoolers with autism spectrum disorders. Wherever possible, children receive services in integrated environments in the community; where there are opportunities for peer support they are encouraged and actively supported. Regulations require licensed facilities providing services to children to have an inclusion policy.

Habilitation and rehabilitation

242. Manitoba launched *Rising to the Challenge: A strategic plan for the mental health and well-being of Manitobans*[75] in June 2011. The strategic plan emphasizes a recovery-oriented system, cross-sectoral cooperation and promotion of mental health within the whole population. The province funds a comprehensive system of mental health services and supports for all Manitobans. Manitoba's market ABILITIES Program offers a wide range of employment-focused services to assist adults with disabilities in preparing for, obtaining and maintaining employment. These include supported employment services, vocational rehabilitation services and funded partnerships between employers and community stakeholders to help persons with disabilities living in rural and northern regions to find and keep sustainable employment.

243. Under *The Workers Compensation Act*[76], employers are obligated to re-employ a worker who has been unable to work as a result of an accident and who is able to return to work. Employers also have a duty to reasonably accommodate the needs of the worker with a disability to the extent that the accommodation does not cause the employer undue hardship.

[75] www.gov.mb.ca/health/mh/challenge.html.

[76] web2.gov.mb.ca/laws/statutes/ccsm/w200e.php.

244. The Workers' Compensation Board of Manitoba[77] has vocational rehabilitation programs to help the worker achieve a return to sustainable employment.

Participation in cultural life, recreation, leisure and sport

245. Manitoba's Policy for Recreation Opportunities includes an emphasis on reducing barriers to recreation. The policy recognizes there are groups and individuals who face barriers, including those based on abilities, age, and health that may limit access to recreation opportunities.

246. The tourism promotional publications and website of Travel Manitoba are offered in alternate formats, upon request, and reflect the accessibility measures offered by tourism services suppliers. All Visitor Information Centres operated by Travel Manitoba are wheelchair accessible.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

247. Each spring, Manitoba celebrates Manitoba Access Awareness Week (MAAW) to raise awareness and to break the barriers that prevent people with disabilities from fully participating in society. Linked to MAAW, the province holds an Expo to educate employers about the abilities of persons with disabilities. Manitoba has also invested in a multi-media advertising campaign, including radio, transit advertisement and billboards, to promote the advantages of hiring persons with disabilities.

248. The Government of Manitoba hosted the first conference of provincial and territorial ministers responsible for persons with disabilities and ministers responsible for human rights in 2011 to discuss the promotion and implementation of the rights in the Convention.

Health

249. All residents of Manitoba, including persons with disabilities are entitled to be registered under the Manitoba Health Services Insurance Plan which provides coverage for insured medical, hospital, personal care and other health services.

Employment

250. Manitoba's *Workplace Safety and Health Regulation* requires employers to develop and follow a written policy that ensures workers are not subject to harassment, whether discriminatory or individual/personal harassment, and that provides a process to receive and investigate complaints of harassment and to take corrective action.

251. Employment Manitoba (EM) delivers direct employment services, including service needs assessments and employment counselling, to all Manitobans, including persons with disabilities, through a provincial network of EM Centres. Specialized access supports are provided to those who require them (e.g., American Sign Language interpreter services). EM is also committed to ensuring appropriate physical access to Employment Centres.

Adequate standard of living and social protection

252. Housing and Community Development has various programs and initiatives that focus on assisting persons with disabilities. One of these is the Low-Income Housing and

[77] www.wcb.mb.ca/sites/default/files/files/43_00VocationalRehabilitation.pdf.

Shelter Benefits, which include rent-geared-to-income social housing; subsidized rents[78]; and a portable housing benefit with housing support services to assist eligible individuals with mental health issues to maintain a stable tenancy.[79]

253. The Employment and Income Assistance (EIA) program provides financial help to Manitobans who have no other way to support themselves or their families. Persons who have a mental or physical disability that is likely to last more than 90 days and that keeps them from earning enough money to pay for the family's basic needs, may be eligible for assistance from EIA, including an additional benefit to defray the higher cost of living with a disability in the community.

Saskatchewan

Articles 9 and 20 – Accessibility and mobility

254. The Saskatchewan *Human Rights Code* ensures that persons with disabilities have access to public services on an equal basis with others including equal access to transportation, communications, facilities and services.

255. In 2007, *A Guide to Accessibility Law for Saskatchewan Businesses* was published by the Saskatchewan Human Rights Commission, a result of ongoing partnership between the public and private sector to promote accessibility for persons with disabilities.

Article 13 – Access to justice

256. Saskatchewan's Victim/Witness Services Program provides supports to individuals with disabilities who are required to testify for the prosecution in criminal court. Protocol provides that police-based victim services must refer victims with special needs, including those with physical/cognitive disabilities, to the program. Furthermore, prosecutors are required to refer to the program witnesses who demonstrate special needs.

257. The *Evidence Act*[80] of Saskatchewan applies to all court proceedings governed by provincial laws, whether for civil or penal offences. Section 13 of the Act recognizes the difficulties which a witness with certain disabilities may have in communicating, and authorizes the courts to permit them to testify by any means that enable the evidence to be intelligible. *The Evidence Act* stipulates that accommodations must be made to allow persons with disabilities to fully and equally participate in court proceedings. Individuals with disabilities are eligible for Legal Aid on the same basis as everyone else.

Articles 10, 11 and 14-17 – Protection of the person

Liberty and security of the person

258. Under *The Adult Guardianship and Co-decision-making Act*[81], a decision-maker for an adult is not provided with the authority to consent to the withdrawal of life-support systems. The personal decision-maker has the duty to ensure that the adult's civil and human rights are protected.

[78] www.gov.mb.ca/housing/rent_supplement.html.
[79] www.gov.mb.ca/allaboard/index.html.
[80] www.qp.gov.sk.ca/documents/english/Statutes/Statutes/e11-2.pdf.
[81] www.qp.gov.sk.ca/documents/English/Statutes/Statutes/A5-3.pdf.

259. The province's *Mental Health Services Act*[82] provides that no person who has either received mental health services or been named in a certificate, warrant or order pursuant to the Act shall be deprived of any right or privilege enjoyed by other persons solely by reason of having received mental health services or having been named in the certificate, warrant or order.

260. Under exceptional circumstances, *The Mental Health Services Act* allows for the care and treatment of an individual without their consent.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

261. Any research conducted in Saskatchewan that involves human participants must undergo a rigorous review process by the Research Ethics Committee before it can proceed. The research must be conducted under the sponsorship of a research institution, university, regional health authority, or a public body.

Protecting the integrity of the person

262. There is no law in Saskatchewan authorizing forced sterilization or abortion for any individual. The basic principle of individual autonomy, including for persons with disabilities, is protected by the application of common law.

263. Several provincial statutes are in place to protect persons with disabilities from medical (or other) treatment without their informed consent. These include *The Saskatchewan Human Rights Code*, *The Health Information Protection Act*, *The Freedom of Information and Protection of Privacy Act* and *The Health Care Directives and Substitute Health Care Decision Makers Act*. In addition to these statutes, the College of Physicians and Surgeons of Saskatchewan has created a *Code of Ethics* for physicians in the province. The Code requires that all patients be treated with respect and be provided with the necessary information to make informed decisions.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

264. The Government of Saskatchewan tries to ensure that information is accessible to persons with disabilities at all times. Information is available in alternate formats (e.g., sign language, Braille, Large print, etc.) upon request and is provided in a timely manner and without additional cost.

Respect for privacy

265. *The Health Information Protection Act*[83] protects the privacy of the personal health information of all Saskatchewan residents, including persons with disabilities, while ensuring that information is available, as needed, to provide health services and to monitor, evaluate and improve the health system in Saskatchewan. The Act applies to information in all forms.

[82] www.qp.gov.sk.ca/documents/English/Statutes/Statutes/M13-1.pdf.
[83] www.qp.gov.sk.ca/documents/english/Statutes/Statutes/H0-021.pdf.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

266. *The Saskatchewan Human Rights Code* prohibits discrimination in housing. The province offers a continuum of residential supports targeted to persons with disabilities that includes supported independent living programs, group living models, private home care and group homes. Individuals requiring residential supports undergo an assessment to determine their requirements.

267. The Saskatchewan Aids to Independent Living program provides benefits to assist people in leading more independent and active lifestyles.

Respect for home and family

268. The Government of Saskatchewan funds community-based organizations that provide oversight to a program that provides educational and support services. Additional supports are available through a respite benefit available to parents of children with intellectual disabilities.

269. Saskatchewan provides out-of-home placement services for children with disabilities whose families are unable to care for them at home. The child's family is encouraged to remain involved with their child, including participating in decisions on all aspects of the child's care.

Habilitation and rehabilitation

270. The Saskatchewan Ministry of Education supports 14 Early Childhood Intervention Programs (ECIP) across the province. ECIP is a home visiting program targeting families with children aged 6 and under who are experiencing, or are at risk of experiencing a developmental delay. The ECIP programs work in collaboration with regional health authorities, school divisions and community partners to provide an array of supports and services related to the medical, developmental, social and educational needs of children and their families.

271. In 2010 and 2011, the province provided $16,000 to the Red Cross for its anti-bullying/bully prevention workshops for students and school staff. These are focused on bullying behaviour that is related to disability.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

272. All efforts are made so that persons with disabilities are accommodated throughout the provincial education system. Boards of Education have the legal responsibility and authority under *The Education Act, 1995*[84] to identify students who require intensive supports, develop appropriate programs and hire professional and paraprofessional staff to deliver programs.

Health

273. Saskatchewan provides extensive programming and services for persons with disabilities. The Acquired Brain Injury Partnership Project develops and implements

[84] www.qp.gov.sk.ca/documents/English/Statutes/Statutes/E0-2.pdf.

services and supports for persons with acquired brain injuries and their families through 36 community-based programs.

274. The Government of Saskatchewan enlisted an Autism Advisory Committee to gather information about existing services, identify gaps, and provide input into the development of a plan for accessible and equitable services and supports.

Employment

275. A range of income assistance benefits is provided by the province to people in need, including basic income assistance or welfare benefits, extended health benefits, and rental housing supplements that include a disability rental supplement to compensate for the additional housing costs related to disability. Other benefits include income supplements for seniors and assistance with child care expenses.

276. The Saskatchewan Assured Income for Disability, a new income support program for persons with significant and enduring disabilities, was introduced in 2012 and will be fully implemented by 2016.

Adequate standard of living and social protection

277. Barrier-free design is required for new or renovated sports, recreational and cultural facilities built in Saskatchewan, including community and seniors' centers, galleries and museums. In provincial parks, this requirement applies to campsites, public use facilities such as washroom and shower buildings, as well as picnic tables and barbecues. Some nature and recreational trails are also developed to barrier-free standards.

278. The Saskatchewan Lotteries Trust Fund for Sport, Culture and Recreation distributes approximately 50 million dollars per year for sports, recreational and cultural activities throughout the province. The Government directs that the fund is "to promote access, equity and fairness for all, including people with disabilities within the sport, culture and recreation sectors." Saskatchewan also has programs that support the purchase of specialized equipment for athletes with disabilities and the development of sports clubs for persons with disabilities across the province.

Alberta

Articles 9 and 20 – Accessibility and mobility

279. The Alberta Human Rights Commission has educational programs, such as workshops and resources, to promote the understanding of the duty to accommodate persons with disabilities as well as other groups protected under the *Alberta Human Rights Act*.[85]

280. The *Alberta Building Code*[86] contains provisions related to barrier-free access and design, and the *Barrier-Free Design Guide* published by the Safety Codes Council contains guiding principles for designers. This is further supported by the *Safety Codes Act*[87] which requires that the government "…co-ordinate and encourage the principles of barrier-free access for anything, process, or activity…" regulated by the Act for the built environment.

[85] www.qp.alberta.ca/574.cfm?page=A25P5.cfm&leg_type=Acts&isbncln=9780779744060.
[86] www.municipalaffairs.alberta.ca/cp_building_codes_standards.cfm.
[87] www.qp.alberta.ca/574.cfm?page=s01.cfm&leg_type=acts&isbncln=9780779723652.

281. Alberta provides funding to individuals for equipment and supplies, for example, wheelchairs, walkers, and communication devices. Alberta also provides grants to eligible wheelchair users to modify their home to be more wheelchair accessible.

Article 13 – Access to justice

282. Accommodations are made for persons with disabilities during the legal process. For example, if an accused, a party in a civil proceeding, a witness or a juror is in a wheelchair and the courtroom isn't wheelchair accessible, the courtroom will be made accessible.

Articles 10, 11 and 14–17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

283. The *Alberta Fire Code 2006* requires buildings to have Fire Safety Plans that must include provisions for the emergency evacuation of individuals who require assistance.[88]

Liberty and security of the person

284. Under the *Alberta Guardianship and Trusteeship Act*, there are administrative complaint and investigation processes by an independent body, and court applications, to ensure that adults with cognitive disabilities are not wrongly institutionalized or confined.[89]

285. Under the *Mental Health Act*[90], a person may be detained in a designated facility for up to 24 hours for care, observation, examination, assessment, treatment and control if a physician examines the person and issues an admission certificate based on criteria outlined in the Act. A second admission certificate issued by another independent physician within this 24 hours allows the person to be detained for one month. Certificates can be renewed if two physicians assess the person before the existing certificate expires and determines the criteria are still met. The Act includes safeguards to protect patient rights including the right to information, confidentiality, communications, visitors, legal representation, refuse treatment, appeal, and have an advocate.

Freedom from exploitation, violence and abuse

286. The director and staff of the Alberta Human Rights Commission are responsible for the resolution of complaints of discrimination (including complaints made on the grounds of physical disability and mental disability) made to the Commission using the tools provided in the *Mental Health Act*: conciliation, investigation, dismissal, and discontinuance.

287. The province monitors compliance with accommodations and accommodations-related services standards through the *Supportive Living Accommodation Standards*, which include a prevention-of-abuse standard, and in the case of long-term care facilities, sometimes referred to as nursing homes or auxiliary hospitals, through the *Long-Term Care Accommodation Standards*.

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[88] www.qp.alberta.ca/574.cfm?page=2007_118.cfm&leg_type=Regs&isbncln=9780779739011.
[89] www.qp.alberta.ca/574.cfm?page=A04P2.cfm&leg_type=Acts&isbncln=9780779737468.
[90] www.qp.alberta.ca/574.cfm?page=M13.cfm&leg_type=Acts&isbncln=0779748727.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

288. Alberta ensures equitable access to public information through its Alternative Communications Policy.[91]

Respect for privacy

289. The *Health Information Act* and the *Freedom of Information and Protection of Privacy Act* provide a legal framework that restricts the collection, use and disclosure of information about patients, including persons with a cognitive disability who have substitute decision-makers with the authority to provide consent for disclosures of information on their behalf.[92]

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

290. The *Alberta Human Rights Act* protects Albertans from discrimination on the grounds of mental and physical disability in places customarily available to the public. The Act—in addition to a number of other Alberta programs and services such as the Persons with Development Disabilities Program, the Assured Income for the Severely Handicapped program and the Family Support for Children with Disabilities program—is intended to support the equal rights and full inclusion of persons with disabilities to live and participate in the community.

Respect for home and family

291. Some Alberta family planning/reproductive health support programs and services are specific to persons with disabilities. For example, an Alberta rehabilitation hospital provides specialized assessment, consultation or intervention for sexual health needs for people with disabilities.[93]

292. Alberta provides support to parents with severe disabilities to assist in the costs associated with raising a child.[94] For families who have children with disabilities, the province provides funding to help them access supports and services that promote their child's development. It also assists with some of the extraordinary costs associated with raising a child with a disability.[95]

Habilitation and rehabilitation

293. The Government of Alberta provides publicly funded habilitation and rehabilitation programs and services delivered by Alberta Health Services to all persons with disabilities, based on clinical evaluation. The province also funds the on-going training and education of habilitation/rehabilitation program professionals and staff.

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[91] www.seniors.alberta.ca/premierscouncil/altcomm/AlternativeCommunications.asp.

[92] www.assembly.ab.ca/HIAReview/Health_Information_Act.pdf and. www.qp.alberta.ca/574.cfm?page=F25.cfm&leg_type=Acts&isbncln=9780779743568.

[93] teachingsexualhealth.ca provides resources including *Sexuality and Disability: A Guide for Parents*, as well as information and links that supplement understanding and knowledge of healthy sexuality.

[94] www.seniors.alberta.ca/aish/programresources.asp.

[95] www.child.alberta.ca/disabilities.

Participation in cultural life, recreation, leisure and sport

294. The *Alberta Human Rights Act* requires the accommodation of persons with disabilities in areas protected under the Act (including goods, services, accommodation or facilities customarily available to the public), to the point of undue hardship.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

295. Alberta's *School Act*[96] provides that a student who is in need of a special education program by virtue of the student's behavioural, communicational, intellectual, learning or physical characteristics, or a combination of those characteristics, is entitled to have access to a special education program. The *School Act* also states that before a school board places a student in a special education program, it shall consult with the parent of the student, and where appropriate, consult with the student. In addition, the Government of Alberta provides funding for children with disabilities before they enter school through its Early Childhood Services program.

296. The *Standards for Special Education*[97] outlines the specific responsibilities of school boards and their staff in relation to access to education, health and social services for students with disabilities.

297. The Government of Alberta increasingly uses a disability lens to ensure that equity of access and opportunity exists within the education system. This includes recognition that additional human and financial resources may be needed to ensure that all children have the opportunity to attend and participate fully within the school community.

Health

298. Alberta has a publicly administered and funded health care system that guarantees Albertans receive universal access to medically necessary hospital and health care services. A range of health benefits is provided to persons with disabilities.[98]

299. Medical training standards and continuing professional development requirements of physicians[99] and other health professionals address the rights of persons with disabilities.

Employment

300. The Alberta Human Rights Commission offers a range of programs and services, to educate employers and employees about rights and responsibilities under the *Alberta Human Rights Act*.[100]

301. Alberta provides employment and training support to persons with severe disabilities who receive financial assistance and want to become employed.[101]

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[96] www.qp.alberta.ca/documents/Acts/s03.pdf.

[97] education.alberta.ca/department/policy/standards/sestandards.aspx.

[98] www.seniors.alberta.ca/AISH/tipsheets/HealthBenefits.pdf and www.seniors.alberta.ca/AADL.

[99] www.cpsa.ab.ca/Libraries/res/CPSA_Code_of_Conduct_-_Expectations_of_Professionalism.pdf.

[100] www.albertahumanrights.ab.ca/about/services/education.asp.

[101] www.seniors.alberta.ca/AISH/tipsheets/HealthBenefits.pdf, www.seniors.alberta.ca/PDD/overview.asp, www.seniors.alberta.ca/AADL and employment.alberta.ca/FCH/689.html.

Adequate standard of living and social protection

302. Alberta has a range of supports, services and programs to promote and safeguard an adequate standard of living for persons with disabilities. One such program is the Disability Related Employment Supports program which helps Albertans overcome the barriers to employment created by their disability.

British Columbia

Articles 9 and 20 – Accessibility and mobility

303. British Columbia (BC) is placing renewed emphasis on "accessibility without compromise". A public engagement process has been launched on how to deliver better front line services that address accessibility. For online services, the new gov.bc.ca "front door" to government and the associated cross-government standards have been developed.

304. As part of a full range of health assistance and dental coverage, persons who receive disability assistance are eligible to receive mobility devices, low-cost annual bus passes, and special transportation subsidies.

Articles 10, 11 and 14–17 – Protection of the person

Liberty and security of the person

305. Provincial policy sets out requirements for health authorities to ensure all clients, and/or their authorized substitute decision makers, agree to the receipt of community health services and admission to assisted living or residential care facilities as a condition of eligibility.

306. BC's *Mental Health Act* provides guidelines for involuntary admission and treatment in designated hospitals and mental health facilities. The Act includes safeguards to guarantee the rights of those admitted under the Act.[102]

Freedom from exploitation, violence and abuse

307. BC's Advocate for Service Quality works on behalf of adults with developmental disabilities to access supports and services.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

308. BC has created a grant program allowing deaf and hard of hearing students to attend specialized post-secondary institutions where the curriculum is delivered in American Sign Language.

[102] www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96288_01; *A Guide to the Mental Health Act* can be found at: www.health.gov.bc.ca/library/publications/year/2005/MentalHealthGuide.pdf.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

309. The BC *Human Rights Code* protects persons against discrimination based on mental and physical disabilities in several areas including employment, accommodation, services or facilities customarily available to the public, the purchase of property, and tenancy. The *Guide Animal Act* specifies that disabled persons accompanied by a guide animal have the same rights as the public regarding access to public places, transportation, and accommodation.

310. The Choice in Supports for Independent Living (CSIL) is an alternative for eligible home support clients and was developed to give those with disabilities and high-intensity care needs more flexibility in managing home support services. CSIL is a "self-managed model of care" whereby clients receive the funds and assume full responsibility for their services, including hiring, training, and supervising support workers.

311. BC exempts Registered Disability Savings Plan (RDSP) contributions from calculating income assistance eligibility. The Endowment 150 initiative offers up to 30,000 eligible low-income persons with disabilities a $150 gift towards their RDSP.

312. The Home Adaptations for Independence program was recently launched to help people with disabilities finance home modifications for accessible, safe and independent living.

313. BC developed a comprehensive plan to improve the government-wide system of supports for people with developmental disabilities.[103]

Respect for home and family

314. The Government of BC, in the commitment to improve cross government collaboration for youth with special needs and their families, developed the *Cross-Ministry Transition Planning Protocol for Youth with Special Needs*.[104] BC continues to collaboratively implement related strategies through the *Children and Youth with Special Needs Framework for Action: Making it Work*.[105]

Habilitation and rehabilitation

315. Psychosocial rehabilitation includes a range of services to assist persons with severe mental illness or substance use problems in their recovery to manage their illness and adjust to the functional deficits in domains of employment, education, leisure, wellness and basic living skills.

Participation in political and public life

316. The BC *Election Act* requires voting places to be accessible, and contains absentee voting provisions for those who cannot attend a voting place due to a disability.

Participation in cultural life, recreation, leisure and sport

317. "Start with Hi"[106], the public awareness initiative of Community Living British Columbia (CLBC), has proven successful in using various media to encourage ordinary

[103] www.sd.gov.bc.ca/pwd/isst.html.
[104] www.mcf.gov.bc.ca/spec_needs/pdf/transition_planning_protocol.pdf.
[105] www.mcf.gov.bc.ca/spec_needs/pdf/CYSN_FrameWorkForAction_Combo_LR.pdf.
[106] www.startwithhi.ca.

citizens to create inclusive communities. As well, the government's Age-friendly BC strategy provides information, tools, and grants to helps local governments improve accessibility to outdoor spaces and, public buildings, transportation, housing, social participation, civic participation, communication and community support and services. Targeted at older adults, these changes help people of all ages and abilities.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

318. The Assistive Technology BC program is delivered through Student Aid BC and provides technical aids assessments, equipment loans, training and support for individuals with disabilities attending public or private post-secondary institutions in BC.

319. In June 2011, CLBC launched Icanbesafeonline.com, Canada's first website dedicated to educating adults with developmental disabilities and their families on how to use the Internet safely.

Health

320. The *Planning Guidelines for Mental Health and Addiction Services for Children, Youth, and Adults with Developmental Disabilities*[107] are based on the idea that all persons with a developmental disability and mental health conditions should experience the highest quality of life possible. *Healthy Minds, Healthy People: A Ten-Year Plan to Address Mental Health and Substance Use*[108] outlines a plan for a complete care continuum. The document provides information to the public and healthcare professionals on the direction of services, while guiding BC on specific programs and targets.

321. Universal screening is offered to all babies born in BC for early diagnosis of 22 treatable disorders. The Reproductive Health and Prevention of Disabilities Model Core Program identifies the core elements that should be provided by BC health authorities to support reproductive health and the prevention of disabilities.[109]

322. The Government of BC, the First Nations Health Authority and Health Canada are implementing the First Nations Health Plan and the BC Tripartite Framework Agreement on First Nation Health Governance. These agreements focus on governance and health actions to improve the health status of First Nations people, including: development of *A Path Forward: BC First Nations and Aboriginal People's Mental Wellness and Substance Use — 10 Year Plan*[110]; hearing, dental and vision screening for Aboriginal children; access to primary care services on/off reserve; integrated primary health services as well as self-management for Chronic Disease Management; and an Aboriginal injury prevention strategy.[111]

323. The *Community Care and Assisted Living Act* includes a series of rights for adult persons living in residential care facilities. These rights are mirrored in the *Hospital Act* for patients living in private hospitals or extended care facilities.[112]

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[107] www.health.gov.bc.ca/library/publications/year/2007/MHA_Developmental_Disability_Planning_Guidelines.pdf.

[108] www.health.gov.bc.ca/library/publications/year/2010/healthy_minds_healthy_people.pdf.

[109] www.health.gov.bc.ca/public-health/core-programs/health-improvement/reproductive-health.

[110] www.fnhc.ca/pdf/FNHA_MWSU.pdf.

[111] www.health.gov.bc.ca/library/publications/year/2007/tripartite_plan.pdf.

[112] www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02075_01.

324. The *Health Care (Consent) and Care Facility (Admission) Act* specifies the treatments and procedures for which substitute consent may not be received on behalf of an incapable adult ensuring that the individual's wishes are respected and their liberty regarding medical decisions is protected under law.[113]

Employment

325. The Equipment and Assistive Technology Initiative provides equipment and assistive technology and related services, such as assessment, repair and training, to support eligible persons with disabilities to achieve their employment goals.

326. In 2011–2012, the Minister's Council on Employment and Accessibility was established as a consultative forum comprised of citizens with disabilities, businesses, government and NGOs who advise on solutions to increase employment outcomes for people with disabilities in the province.[114]

Adequate standard of living and social protection

327. Persons with disabilities receive a higher rate of assistance, and are exempt from time limits for receiving assistance. An earnings exemption of up to $300 per month is given to single income assistance clients with a child who, due to the nature of the child's disability, are prevented from leaving home for employment, or are limited to working part-time outside the home. Clients who are the sole provider of care for a child with a physical or mental condition that precludes the caregiver from leaving home for employment are exempt from employment obligations.

Nunavut

Articles 9 and 20 – Accessibility and mobility

328. The Rick Hanson Foundation is a not-for-profit organization that works to improve the lives of persons with spinal cord injuries and other disabilities. It is supported by the Government of Nunavut through a multi-year contribution agreement. The partnership delivers funding to groups and individuals who try to improve the lives of persons with disabilities by proposing practical solutions, such as the purchase of assistive aids, devices and technologies.

Article 13 – Access to justice

329. The Government of Nunavut's Legal Services Board funds Maliiganik Tukisiiniakvik, an organization that offers legal aid to all eligible citizens of Nunavut, including citizens with disabilities. Income is one of the factors used to assess eligibility. Maliiganik Tukisiiniakvik provides assistance with both civil and criminal cases and staffs one civil lawyer who deals specifically with issues surrounding discrimination.

330. The Department of Culture, Language, Elders and Youth has provided financial support to the Canadian Deafness Research and Training Institute in order to further document and promote Inuit Sign Language, which will ensure access to the justice system for persons with a hearing disability.

[113] www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96181_01.
[114] www.hsd.gov.bc.ca/epwd/Index.htm.

Articles 10, 11 and 14–17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

331. In 2010, the governments of Canada and Ontario and several private organizations jointly developed the *Emergency Preparedness Guide for People with Disabilities/Special Needs*. The guide recognizes that the impact of disasters and emergencies on persons with disabilities and special needs is compounded by their reliance on electrical power, accessible transportation and other factors that may be compromised in an emergency. The guide provides information on preparing an emergency plan and kit, with special considerations for persons with disabilities. The Government of Nunavut is translating this document into Inuktituk and Inuinnaqtun, and will distribute it to community members and residential facilities.

332. Under the *Mental Health Act*, a medical practitioner who examines a person and has reasonable cause to believe that the person is suffering from a mental disorder that will likely result in serious bodily harm or impairment to that person or to another person may make application for the person to be involuntarily admitted to hospital. An application is examined by the Minister of Health who may refuse it, order another assessment or approve the application and issue a certificate of involuntary admission. Such a certificate authorizes a hospital within the territories to admit and detain the person who is subject to the certificate and examine, observe or restrain the person for a period not exceeding two weeks.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

333. Nunavut's Department of Culture, Language, Elders and Youth has worked in conjunction with the Canadian Deafness Research and Training Institute of McGill University and the Nunavummi Disabilities Makinnasuaqtiit Society to document, preserve and promote Inuit Sign Language. Video and written material, as well as a CD-ROM, have been produced and distributed as resources to promote the use of this language. Inuit Sign Language is a unique form of interpersonal communication used by deaf Nunavummiut.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Respect for home and family

334. Under the *Child and Family Services Act*, the Department of Health and Social Services provides services to children who are in need of protection or are eligible for voluntary services, including children with disabilities. The Act's definition of a child in need of protection includes a child whose parent is unable to properly care for the child and a child whose extended family has not made adequate provisions for the child's care or custody. A child under the care of the Director of Child and Family Services may be placed in an approved extended family foster home or a provisional foster home. A child with significant special needs and who requires care that cannot be offered in a foster home setting within the community may be placed in a specialized foster home, residential group home or treatment facility within or outside the territory.

Habilitation and rehabilitation

335. The rehabilitation services provided by Nunavut's Department of Health and Social Services include access to medical professionals like occupational therapists,

physiotherapists, speech and language pathologists and audiologists, who are able to inform their clients regarding assistive devices and equipment.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

336. Under the *Education Act*, students who require adjustments to their educational program or extra support to meet their learning needs are entitled to reasonable and practical adjustments. If the needed adjustments are significant, the school will assess the student's needs and create an individual support plan that provides the necessary adjustments.

337. The Government of Nunavut provides annual funding to the Nunavummi Disabilities Makinnasuaqtiit Society, a not-for-profit organization that raises public awareness of disability issues. Of significance, the Society has been instrumental in the documentation, preservation and promotion of Inuit Sign Language.

Employment

338. The Nunavut *Human Rights Act* prohibits anyone from refusing to employ or refusing to continue to employ an individual or class of individuals on the grounds of disability. The same applies to terms or conditions of employment. The Act also provides for a duty to accommodate persons with disabilities, providing that the accommodation needs of a person with disabilities, does not impose undue hardship on another person.

Adequate standard of living and social protection

339. The Government of Nunavut's Department of Education administers the Income Support Program for persons who are unable to obtain employment, including those with disabilities.

Northwest Territories

Articles 9 and 20 – Accessibility and mobility

340. The Northwest Territories (NWT) *Human Rights Act* imposes on service providers the duty to accommodate the needs of persons with disabilities to the point of undue hardship where services are available to the public. Upon application, health care in the NWT covers the cost of mobility equipment and assistive devices for seniors and persons with specified conditions, including many disabilities.

Article 13 – Access to justice

341. Under the *Legal Services Act*, legal aid is provided to the accused in criminal cases, and to all who qualify for an eligible civil law matter, regardless of disability.

Articles 10, 11 and 14–17 – Protection of the person

Liberty and security of the person

342. Under the *Mental Health Act* and the *Public Health Act*, interference with the rights of the individual is permitted to protect the public or that individual. These acts provide strict parameters for when these measures are necessary and how they are to be carried out.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

343. The Aurora Research Institute, established under the NWT's *Scientists Act*, reviews all research applications and grants research licenses to anyone wanting to conduct research in the NWT. The Stanton Territorial Hospital Ethics Committee reviews research proposals involving research into human health and advises the Aurora Research Institute as to whether the research should be granted a license or not.

Freedom from exploitation, violence and abuse

344. Under the *Protection Against Family Violence Act*, family violence protection orders are available to everyone regardless of gender or disability.

Protecting the integrity of the person

345. Health and Social Services Authorities have policies for obtaining and withdrawing informed consent for medical treatment that apply equally to everyone regardless of disability.

Articles 18, 21 and 22 – Fundamental freedoms and respect for privacy

Freedom of expression and opinion, and access to information

346. The Government of the Northwest Territories (GNWT) works with the Canadian Institute for the Blind (CNIB) to provide residents without sight or with limited sight with the following services: counselling/support services, education and coordination, rehabilitation services, assistive devices and specialized training.

Respect for privacy

347. The *Access to Information and Protection of Privacy Act* provides for the protection of personal information collected, used or disclosed by all NWT public bodies subject to the Act. Personal information is defined under the Act to include health and rehabilitation information. A number of public bodies have voluntarily implemented the use of privacy impact assessments to determine whether new technologies, information systems and initiatives, or proposed programs and policies meet basic privacy requirements.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

348. Section 7 of the *Residential Tenancies Act* confirms that the *Human Rights Act* applies to housing tenancies.

Respect for home and family

349. Persons with disabilities may be married in the same manner as everyone else under the *Marriage Act*, as long as the person is capable of giving consent.

350. Programs and services exist for families needing support. The *Child and Family Services Act*, for example, authorizes the making of Voluntary Services Agreements with parents to provide services or to assist a family in providing services to care for a child, such as in-home support and respite care.

351. The principles under the *Child and Family Services Act* recognize that a child's extended family and community can often provide important support. Any type of placement takes the best interests of the child under consideration.

Habilitation and rehabilitation

352. Rehabilitation Services in the NWT coordinates specialized care with regional therapists including links with non-governmental organizations (e.g., the CNIB, the Hard of Hearing Association, and the NWT Disabilities Council).

353. Supportive Living is a housing service where adults with a physical and/or mental disability live in small groups under the supervision of paid staff while maintaining as much independence as possible. Depending on their needs, residents may receive assistance with: safety and security; personal care; life skills; medication monitoring; employment; respite; and service coordination. In the NWT, persons requiring 24-hour support and supervision may qualify for Supportive Living. Adults who are able to live independently may be eligible for home support services.

Participation in political and public life

354. On elections day, all polling stations must be accessible, temporary ramps must be provided where required, and a helper may assist a person with disabilities to cast their vote. If a person with disabilities is unable to attend at the polling station, a mobile polling station may be sent to that person's place of residence to enable them to vote.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

355. The 2004 NWT Disability Framework sets out the vision for full inclusion of people with disabilities in all levels of education and training. Education and promotion of sign language is provided by the CNIB.

Employment

356. The *Human Rights Act* prevents discrimination in employment based on disability, and provides that employers must accommodate to the point of undue hardship. The *Workers' Compensation Act* provides for compensation of employees whose disability was obtained while working.

357. In keeping with *20/20: A Brilliant North*, the NWT Public Service Strategic Plan, the GNWT encourages managers and employees to participate in training regarding disabilities awareness. The territory's employment policies support the hiring and promotion of persons with disabilities within the public service.

Adequate standard of living and social protection

358. Income Assistance is available to persons with disabilities to ensure that they have access to adequate food, clothing and housing for themselves and their families.

Yukon

Articles 9 and 20 – Accessibility and mobility

359. The Yukon's *Human Rights Act* requires "reasonable accommodation" for persons with disabilities in the areas of employment, housing, public facilities and services, membership in and representation by unions and trade, occupational and professional associations, and publically tendered contracts.

360. Case managers in the Government of Yukon's Services to Persons with Disabilities Branch arrange plans and perform assessments for those with disabilities and offer supports, referrals and solutions to reduce barriers and increase mobility.

Article 13 – Access to justice

361. All parts of the courthouse, including the prisoner and jury boxes, are accessible by wheelchair. The building has a vehicle access ramp and elevators. Arrangements are made for American Sign Language interpreters for deaf witnesses or accused, at no charge.

362. The Yukon Legal Services Society recognizes that persons with disabilities have different needs than those without disabilities and attempts to accommodate these needs. The Yukon's *Legal Services Society Act* allows the Society to provide eligible Yukoners with legal aid services in certain types of criminal, civil and family court proceedings.

363. Under the Yukon *Human Rights Act*, the tribunal that holds hearings into human rights complaints has powers to order remedies to stop or eliminate discrimination.

Articles 10, 11 and 14–17 – Protection of the person

Situations of risk and domestic humanitarian emergencies

364. All facilities operated by the territory's Health and Social Services department have emergency procedures and protocols to ensure that the needs of persons with disabilities are included in emergency plans.

Liberty and security of the person

365. The Yukon *Adult Protection and Decision-Making Act* provides tools to assist adults (19 and older) who have a diminished ability to make their own decisions.

366. The Yukon Review Board obtains its legal authority from the *Criminal Code* of Canada, which provides for reasonable accommodation and procedural guarantees for persons with disabilities who are deprived of their liberty following a criminal case.

367. Under Section 8(1) of the *Mental Health Act*, a person taken into custody by a peace officer will immediately be taken to a physician or a health facility if, on reasonable grounds, due to a mental disorder, that person is threatening or attempting to cause bodily harm to themselves or another person.

Freedom from torture or cruel, inhuman or degrading treatment or punishment

368. Under Section 13 of the *Care Consent Regulations*, a substitute decision-maker does not have authority to give substitute consent to participation by a person in a healthcare or medical research program that has not been approved by a recognized ethics committee.

Freedom from exploitation, violence and abuse

369. Part 4 of the *Adult Protection and Decision Making Act* sets out the authority of a designated agency to respond to reports and offer support in situations where an adult may be abused or neglected.

Protecting the integrity of the person

370. The *Care Consent Act* and regulations limit the scope of authority of a substitute decision-maker over the choice of procedures concerning a person's medical condition, including pregnancy, where the person is incapable of giving or refusing her own consent.

Articles 19, 23, 26, 29 and 30 – Social inclusion and independent living

Living independently and being included in the community

371. Yukon's *Human Rights Act* provides as follows: "Every person has a responsibility to make reasonable provisions in connection with employment, accommodations, and services for the special needs of others if those special needs arise from physical disability."

372. The Government of Yukon's Services to Persons with Disabilities Branch provides Supported Independent Living workers to work with those that have disabilities (and their families) and need varying levels of support.

Respect for home and family

373. The guiding principles of the *Child and Family Services Act* affirm that the best interest of the child shall be given paramount consideration in making decisions or taking any action under the Act.

Habilitation and rehabilitation

374. Stepping into Kindergarten is a territorial program that allows schools to promptly identify students that require additional support. An early literacy intervention for 6- and 7-year-olds facilitates identification of any learning disabilities, so that students can be helped as soon as possible.

375. The Department of Education is increasingly using laptops and other handheld devices to assist children with communication deficits. It also provides an FM sound system in schools.

376. The Services to Persons with Disabilities Unit provides supports for employment, education, peer support and rehabilitation programs.

Participation in cultural life, recreation, leisure and sport

377. The Government of Yukon funds sporting programs to provide equal access for persons with physical or intellectual disabilities. Some of the barriers to access are removed by providing funding for equipment and providing programs with qualified/trained instructors and leaders.

378. The Education Department provides Handy Bus service for any special needs students who are unable to use the regular school bus. Peers may join the special needs student on the Handy Bus during school field trips to avoid socially isolating the student.

Articles 8, 24, 25, 27 and 28 – Socio-economic participation

Education, promotion and awareness-raising

379. The Government of Yukon's Child Development Centre offers sign language training to parents of clients attending the Centre. Within the Department of Education's Special Programs area, a consultant Teacher for the Deaf teaches sign language to all children with a hearing disability in the school and supports training for staff as needed.

380. Under Section 15(1) of the *Education Act*, students who, because of intellectual, communicative, behavioural, physical, or multiple exceptionalities, are in need of special education programs are entitled to receive an Individualized Education Plan.

381. In December 2011, the Yukon Human Rights Commission highlighted the International Day for People with Disabilities and the Convention in partnership with support groups for persons with disabilities.

Health

382. The Yukon Health Care Insurance Plan provides coverage for medically required hospital and medical services, and certain dental-surgical procedures. It becomes effective after three months' residency in Yukon, and there is no premium to pay.

Employment

383. The territorial government's Employment Equity Policy establishes an organizational commitment to building and maintaining a public service that is representative of the Yukon population. Persons with disabilities are a designated group under the policy which is supported by *Employment Equity Staffing Guidelines*. The Workplace Diversity Employment Office provides a range of programming and support services to reduce employment barriers for persons with disabilities in the Yukon public service.

384. The Government of Yukon has an Employment and Training Services Program (job coaching, subsidies, etc.) that works with persons with disabilities and their employers.

385. The Department of Education has a wage subsidy budget which is used to partially reimburse employers in order to leverage the hiring of employees who may otherwise not be hired, including those who have disabilities.

386. In Labour Market Development programs, the government directly funds several non-profit groups to act as case management organizations and facilitate access to available programming for persons with disabilities.

Adequate standard of living and social protection

387. The *Social Assistance Act* provides social protection to ensure that basic needs such as food, clothing, incidentals, and housing expenses are met. The Act has provisions for additional related expenses for persons with disabilities and provides a Yukon Supplementary Allowance. Within Social Assistance there are special supports in Employment and Training Services, Residential Services and Respite Care for those who have disabilities.

388. Yukon Housing Corporation's social housing program is for individuals "in need" who cannot secure affordable, adequate and suitable housing on the private housing market.

Annex

Offices responsible for disability issues

Jurisdiction	*Responsible Office*
Newfoundland and Labrador	The Disability Policy Office, within the Department of Advanced Education and Skills
Prince Edward Island	The Ministry of Community Services and Seniors
Nova Scotia	Joint responsibility of the departments of Community Services; Health and Wellness; Education; Justice; Labour and Advanced Education; and the Disabled Persons Commission
New Brunswick	The Premier's Council on the Status of Persons with Disabilities
Québec	The Office des personnes handicapées du Québec
Ontario	The Ministry of Community and Social Services
Manitoba	The Disabilities Issues Office, reporting to the Minister of Family Services and Labour
Saskatchewan	The Office of Disability Issues, within the Ministry of Social Services
Alberta	The Ministry of Human Services
British Columbia	The Ministry of Social Development
Nunavut	The Senior Advisor on Disability Issues, within the Social Advocacy Office, Department of Executive and Intergovernmental Affairs
Northwest Territories	The Department of Health and Social Services
Yukon	The Department of Health and Social Services